

# OPM



Operating Procedures Manual  
Revised 2012

Sitka Police Department  
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Sitka, AK 99835

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**CHAPTER 1  
OPERATING PROCEDURES MANUAL**

Chapter Revised 01/01/2012

**1.010 NOTICE**

The Department policies established in this manual are not intended, and should not be construed, to be used as evidence of the existence of any higher duty of safety or care than is otherwise provided by law. Rather, violations of this manual are to be used solely to form the basis for departmental administrative action.

**1.020 GENERAL**

- A. *Title of manual.*** This manual will be referred to as the Operating Procedures Manual that may be abbreviated as OPM.
- B. *OPM may be superseded.*** The OPM is subordinate to statute, the current collective bargaining agreement, administrative regulation, or order of the Chief.
- C. *Revisions may be issued.*** OPM provisions are established by the Chief with the approval of the City Administrator. Periodic reissues of the OPM will be made incorporating changes to the current edition. Interim revisions to the OPM will be made in the form of Chief's Directives. The OPM and Chief's Directives are published and available electronically to all employees on the SPD intranet. Employees are responsible for updating any copies of the OPM issued to them or in their custody, and for retaining Chief's Directives until they are superseded or rescinded.
- D. *Action by employee noting errors.*** Any employee observing omissions or contradictions in the OPM shall notify their supervisor, in writing, in order that corrections can be made in the next revision.
- E. *OPM applies to all SPD employees.*** The OPM is applicable to all employees of the Department. The table in Section 1.060 is provided to assist employees in identifying those OPM sections directly affecting them.
- F. *Employees required to be familiar with OPM.*** Employees of all divisions and agencies within the Department are required to refer to and abide by the rules and policies set out in applicable sections of the OPM. Every division is provided with a printed copy of the current OPM which is available to all employees.
- G. *Organization of the OPM.***
  - 1. SECTIONS 1-100                      Organization and Administration
  - 2. SECTIONS 101-199                Department Rules and Regulations
  - 3. SECTIONS 201-299                General Operating Procedures, with chapters devoted to special procedures
  - 4. SECTIONS 301-399                Dispatch Policies
  - 5. SECTIONS 401-499                Jail Manual

**1.030 OTHER PROCEDURAL MANUALS**

- A. *Additional procedural manuals may be developed.*** The establishment of the OPM does not preclude the development of procedural manuals for special needs or uses. The Chief may authorize the establishment of procedural manuals required for efficient operation.

**B. Procedural manuals established for SPD include but are not limited to:**

1. Jail Manual
2. AI Manual
3. Emergency Disaster Plans
4. Dispatch Operations Manual(s)

**1.040 DEFINITIONS**

**Chief** -- Chief of Police.

**City** -- City and Borough of Sitka.

**Collective Bargaining Unit** -- Any union or employee association recognized by the State as representing Department employees.

**Commanding Officer** -- A ranking officer with supervisory authority.

**Commissioned Personnel** -- Officers meeting the statutory definition of "Police Officer."

**Department** -- Sitka Police Department.

**Department Authorized Training** -- Training approved and authorized by the Chief.

**Employee(s)** -- All persons employed by the Sitka Police Department.

**He, Him or His** -- She, Her, or Hers when appropriate.

**Man or Men** -- Woman or Women when appropriate.

**Member(s)** -- Synonymous with employee(s).

**Notebook(s)** -- Department provided notebooks in either 3" x 5" or 4" x 6" sizes or personally purchased notebooks used by officers to keep notes in compliance with OPM 199.010.

**Officer(s)** -- Same as Police Officer(s).

**Officer-In-Charge (OIC)** -- An officer who, by written delegation of authority, directs work of another commissioned officer.

**Personnel** -- Synonymous with employee(s).

**Police Officer** -- A commissioned officer with the rank of Police Officer or above.

**Ranking Officer** -- An officer of the rank of Sergeant or above.

**SOP** -- Standard Operating Procedures.

**Superior Officer** -- Commanding officer of the rank of Lieutenant or above.

**Supervisor** -- A person who by rank, seniority, or delegation has the authority to direct the work of another.

### **1.050 RESTRICTIONS**

No additions, changes or deletions to the OPM shall be made without prior approval of the Chief.

### **1.060 OPM REFERENCE GUIDE**

The following table is designed to draw attention to OPM provisions of particular interest to commissioned, partially commissioned, dispatcher, and civilian employees which might otherwise escape their notice. "All" indicates that the entire chapter is of direct interest; "Not applicable" indicates that the provisions don't generally apply; "Reference" indicates that while the provisions generally don't apply, there may be information of interest in the section. This table is only a guide to applicable sections of the OPM. Individual employees may be covered by sections not specifically enumerated here. (Ref. OPM 1.020 E)

Chapter	Title	Commissioned	Dispatcher	Jail Officer	Civilian
1	Operating Procedures Manual	All	All		All
2	Authority and Organization of the Department	All	All		All
3	Chief of Police	All	All		All
4	Rank	All	All		All
5	Line of Command	All	All		All
101	Conduct	All	All		All
102	Vehicle Operation	All	102.010-030		102.010-030
103	Emergency Vehicle Operation	All	Not applicable		Not applicable
104	Use of Force	All	Not applicable		Not applicable
105	Use of Force Investigation and Review	All	Not applicable		Not applicable
106	Uniform	All	106.020 (B)		106.020 (B)
107	Physical Conditioning	All	Not applicable		Not applicable
108	Electronic Information, Computers, and Communications	All	All		All
109	Court Appearances	All	All		All
110	Department Investigations / Disciplinary Procedures	All	All		All
111	Commendations and Awards	All	All		All
112	Work Hours, Leave & Payroll	All	All		All
113	Training	All	All		All
114	Personnel Files	All	All		All
115	Reserve Officer Program	Reference	Reference		Reserve Officers, Others Reference
116	Domestic Violence	All	116.010 116.050(A) 116.110		116.010 Not applicable
117	Child Abuse	All	Reference		117.030 (A)(C)
119	Crime Scene Photography	All	Not applicable		Not applicable
118	Missing Persons and Runaway Minors	All	All		All
199	Miscellaneous Policies	All	Applicable except 199.010 199.130 199.160 199.230 199.240		Applicable except 199.010 199.130 199.160 199.230 199.240
201	Report Procedures	All	201.020 201.050		201.020 201.050
202	Property and Evidence Handling Procedures	All	202.030 Evidence Custodian - All		202.030 Evidence Custodian - All
203	Traffic Enforcement	All	Not applicable		Not applicable
204	Vehicle Impound Procedures	All	204.020 204.050 (B)(C) 204.080 204.090		204.020 204.080
205	Communicable Diseases	All	All		All
206	Public Information and Press Relations	All	All		All
207	Emergency Care of Mental Health Patients	All	207.010		207.040
208	Death Investigation Procedures	All	208.020 (D) 208.030		Not applicable
209	Death Protocol/Commissioned Member	All	Reference		Reference
210	VICAP	All	Not applicable		Not applicable
211	Weapons Standards & Types	All	Not applicable		Not applicable
212	Protocol and Courtesy	All	All		All
213	Sex Offender Registration	All	All		All
214	Foreign Nationals	All	Reference		Reference

Chapter	Title	Commissioned	Dispatcher	Jail Officer	Civilian
215	Transport of Persons in Custody	All	Not applicable		215.020 215.090 215.100 215.110
216	Weapons Carry	All	Not applicable Reference		Not applicable Reference
217	International Criminal Police Organization (INTERPOL)	All	Not applicable Reference		Not applicable Reference
218	Interviews	All	218.050 (C)		218.050 (C)
219	Arrest	All	219.050 (B)		219.050 (B)
220	Electronic surveillance and Monitoring	All	220.010		220.010
221	Riot and Unlawful Assembly	All	Reference		Not applicable
222	Violent Crimes Compensation	All	222.010 (B)		222.010 (B)
223	Bioterrorism Response	All	All		All
221	Polygraph Procedures	All	Not applicable		Not applicable
224	Warrant Procedures	All	Reference		Reference
225	Service of Civil and Criminal Process	All	Not applicable		225.020 225.040
225	Major Incident Investigation	All	Not applicable		Not applicable
226	Tsunami Evacuation	All	All		All
301	Dispatch Center	All	All	All	All
401	Pre-Admission Screening of Inmates	All	All	All	All
402	Booking of Inmates	All	All	All	All
403	Inmate Searches	All	All	All	All
404	Inmate Property	All	All	All	All
405	Inmate Classification	All	All	All	All
406	Lodging and Orientation	All	All	All	All
407	Inmate Records	All	All	All	All
408	Inmate Healthcare and Medications	All	All	All	All
409	Inmate Release Procedures	All	All	All	All
410	Juvenile Jail Policy	All	All	All	All
411	Jail Security	All	All	All	All
412	Jail Checks and Documentation	All	All	All	All
413	Inmate Access to Public and Attorney	All	All	All	All
414	Inmate Court Procedures	All	All	All	All
415	Inmate Transportation	All	All	All	All
416	Controlling Population Levels	All	All	All	All
417	Use of Restraint Chair	All	All	All	All
418	Disturbances / High Tension Situations	All	All	All	All
419	Escape from Custody	All	All	All	All
420	Emergency Medical Guidelines	All	All	All	All
421	Death of an Inmate	All	All	All	All
422	Inmate Suicide Policy	All	All	All	All
423	Electric Jail Gate	All	All	All	All
424	Jail Key Control	All	All	All	All
425	Food Services	All	All	All	All
426	Jail Facility and Vehicle Inspections	All	All	All	All
427	Color Camera Recording System	All	All	All	All
428	Emergency Guidelines	All	All	All	All

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## CHAPTER 2 AUTHORITY AND ORGANIZATION OF THE DEPARTMENT

Chapter Revised 01/01/2012

### 2.010 INTRODUCTION

This section sets out statutes that establish the jurisdiction and areas of responsibility of the Sitka Police Department, and of the Divisions within the Department.

### 2.020 AUTHORITY

- A. **Establishment of local government.** Refer to AS 29 for basis for establishment of local governments.
- B. **Home Rule Charter of the City and Borough of Sitka.** The Home Rule Charter defines the legal authority of the City and Borough as allowed in AS 29.
- C. **Sitka General Code.** Section 2.25 of the Sitka General Code sets out the duties and responsibilities of the Department.
- D. **Jurisdiction of Sitka Police Department.** Alaska statutes grant police powers to a police officer sworn by a local jurisdiction only within the geographical boundaries of the political subdivision granting the power. Therefore a Sitka police officer has jurisdiction only within the geographical boundaries of the City and Borough of Sitka.

The geographical boundaries of the City and Borough of Sitka include all of Baranof Island with the exception of a small segment near Port Alexander, all of Kruzof Island, the southern half of Chichagof Island and the territorial waters thereof.

- E. **Special Commissions.** Upon specific request and approval of the Chief of Police, police officers may request commission as special officers of the Alaska State Troopers. Their requests are acted upon by the Commissioner of Public Safety and, when granted, gives the officer statewide police powers.

### 2.030 ADMINISTRATION OF DEPARTMENT

- A. **Establishment of rules and regulations.** The Sitka General Code authorizes the establishment of rules and regulations for the Police Department.

**“2.25.080 Rules and Regulations.**

*The chief of police of the Sitka police department may make or prescribe rules and regulations as he deems advisable, consistent with accepted police practices. Such rules as approved by the administrator shall be binding upon members of the Sitka police department. Such rules and regulations shall cover, besides the conduct of members, uniforms and equipment worn or carried, hours of service, vacations, and all other similar matters necessary or desirable for the better efficiency of the department. (Ord. 88-842 4 (part), 1988.)”*

- B. **Organization of the Department.** The Sitka General Code allows the Chief of Police to organize the Department.

**“2.25.090 Organization.**

*The chief of police shall create such divisions within said department as he deems necessary for the correct performance of the duties assigned to the police department, subject to the approval of the administrator of the city and borough. (Ord. 88-842 4 (part), 1988.)”*

- C. **Duties of the Sitka Police Department.** The Sitka General Code sets the following duties for the Department:

**“2.25.050 Duties.**

*It shall be the duty of the members of the Sitka police department to see to the enforcement of all the ordinances of the municipality and all state statutes applicable therein; to preserve order therein; to prevent infractions of law and arrest violators thereof. (Ord. 88-842 4 (part), 1988.)”*

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**CHAPTER 3**  
**CHIEF OF POLICE**

Chapter Revised 01/01/2012

**3.010 CHIEF OF POLICE**

The Chief of Police is the appointed principal executive head of the Sitka Police Department, vested with full power and authority over the organization, administration, and discipline of the Department, as outlined in Sitka General Code 2.25. The Chief has the authority to assign and transfer personnel. The Chief shall also determine policies of the Department in keeping with the current collective bargaining agreement, ordinances, regulations, and statutes. The Chief may organize the Department into units, prescribe the uniform and equipment, and determine the nature and character of recruitment and special training and the general policy with respect to the use and employment of all members of the Sitka Police Department. The Chief is responsible for overall management of the Department, budget development and execution, policy development and review, internal affairs, personnel hiring and discipline. The Chief also directly supervises the Administrative Assistant, Police Technician, Southeast Alaska Cities Against Drugs (SEACAD) Investigator, and the two Lieutenants.

**3.020 APPOINTMENTS AND PROMOTIONS**

The Chief controls all appointments and promotions within the Department. Sitka General Code:

*"2.25.020 Appointments.*

*The Chief of Police shall be appointed by the administrator with the approval of the assembly. All other appointments to, or promotions within the department, shall be made by the chief of police subject to the approval of the administrator. (Ord. 88-842 4 (part), 1988.)"*

**3.030 OPERATIONS LIEUTENANT**

The Operations Lieutenant reports directly to the Chief and supervises each of the Patrol Sergeants and Investigators. Primary duties include direct supervision of felony investigations, allocation and scheduling of sworn personnel.

**3.040 SUPPORT SERVICES LIEUTENANT**

The Support Services Lieutenant reports directly to the Chief and supervises the jail officers, dispatchers, animal control officer, multi-services officer and traffic officer. Primary duties include direct supervision of the above listed personnel and units. He has direct responsibility for the daily operation of the community jail program and contract with the State of Alaska.

**3.050 SUCCESSION OF COMMAND**

Should the Chief of Police become incapacitated for any reason, be absent from the City or otherwise unavailable to perform the duties of his office the order of succession of command shall be:

- Operations Lieutenant
- Support Services Lieutenant
- Sergeant on duty
- Sergeant scheduled to work the next shift
- Senior available Sergeant
- Police Officer serving as OIC for the on-duty shift
- Senior available Police Officer

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## CHAPTER 4

### RANK

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#### 4.010 ENFORCEMENT RANKS

- A. ***Hierarchy of enforcement ranks.*** The hierarchy and levels of authority of the enforcement ranks of the Department are listed below. Supervisor / subordinate roles for other job classes and for civilian employees are defined on Department organizational charts.

Chief

Lieutenant

Sergeant

Police Officer

Police Officer Trainee

- B. ***Determination of command hierarchy.*** For the purposes of command hierarchy, seniority shall be determined first by rank, second by length of service in rank.

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**CHAPTER 5**  
**LINE OF COMMAND**

Chapter Revised 01/01/2012

**5.010 COMMANDING OFFICER**

A commanding officer is any member of the Department designated by the Chief who, by virtue of his rank and/or authority, is senior in administrative responsibility within the Department.

**5.020 CHAIN OF COMMAND**

The Chief shall designate the chain of command by establishing a chart of the Department's hierarchical organization.

**5.030 MEMBERS RESPONSIBILITY**

Each member of the Department is responsible to the next higher level of command.

**5.040 GENERAL RESPONSIBILITIES OF COMMAND**

Commanders and supervisors shall be responsible for:

1. The efficient performance of their duties, and for the punctual attendance, appearance, good order, efficiency, and discipline of all members and employees under their command;
2. Determining whether subordinates are performing their duties in accordance with law, regulation, and department policy, and for taking action to correct any deficiencies uncovered;
3. Properly preparing, transmitting, filing, using, and preserving official reports, records, and correspondence originating within or received by their commands;
4. Observance of the rules and regulations, and the policies and procedures of the Divisions within the Department by all members and employees under their command;
5. Proper administration of the collective bargaining contracts affecting employees under their supervision;
6. The good order, care, and condition of City property and equipment that may be issued to them and to members of their command.

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## CHAPTER 101

### CONDUCT

Chapter Revised 01/01/2012

#### 101.010 INTRODUCTION

While specific expectations and responsibilities are established throughout the OPM, this chapter expresses required behaviors in carrying out all functions and demands of the department. Egregious misconduct is grounds for immediate dismissal but any violation of the standards of conduct shall be subject to discipline, up to and including dismissal. See OPM Chapter 111.360A.

#### 101.020 GENERAL PROVISIONS

- A. **Conduct standards apply to all Department employees.** All of the ethical standards and rules expressed herein are inclusive, and together constitute the standards of conduct by which all employees of the Sitka Police Department are to be governed. It shall be the duty of each employee to study and become familiar with the rules and regulations governing the organization and operation of the department, as well as the rules governing control and discipline.
- B. **Conduct of employees governed by Sitka General Code.** S.G.C 2.25.070 states, "It shall be the duty of members of the police department to conduct themselves in a proper law-abiding manner at all times and to avoid the use of unnecessary force. Each member shall obey the lawful orders and directions of their superiors."
- C. **Professional standards of behavior apply.** The standards of conduct set out in this chapter do not prohibit every possible act that constitutes unacceptable behavior. Conduct that shocks the conscience or that violates generally recognized standards of professional behavior is forbidden.
- D. **Reputation and effectiveness of the Department is effected by the conduct of its employees.** The reputation of the Sitka Police Department is influenced to a large degree by public belief in the integrity of its employees. Such traits as loyalty, determination, alertness, intelligence, unselfishness, honesty, and high moral standards, are instantly appealing and respected. Each and every member is expected to make a dedicated effort to conduct their official life so that they will inspire the confidence and trust of the public. The good conduct and reputation of members of the Department help assure the cooperation and support of the public, the cooperation of other agencies, and the mutual cooperation of all employees increasing the effectiveness of the Department

#### 101.030 CANONS OF POLICE ETHICS

- A. **Canons adopted by Department.** The Code and Canons of Ethics of the International Association of Chiefs of Police are adopted for the guidance of all Sitka Police Department employees. The canons as adopted appear as OPM 101.020 B-L.
- B. **Primary responsibility of job.** The primary responsibility of the police service and of the individual officer is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and its legally expressed will, and is never the arm of any political party or clique.
- C. **Limitation of authority.** The first duty of a law enforcement officer as upholder of the law is to know its bounds upon him in enforcing it. Because he represents the legal will of the community, be it local, state, or federal, he must be aware of the limitations and prescriptions which the people, through law, have placed upon him. He must recognize the wisdom of the American system of government, which gives to no man, groups of men, or institution, absolute power, and he must insure that he, as a prime defender of that system, does not subvert its character.

- D. *Duty to be familiar with the law and with responsibilities of self and other public officials.*** The law enforcement officer shall assiduously apply himself to the study of the principles of the laws which he is sworn to uphold. He will make certain of his responsibilities in the particulars of their enforcement, seeking aid from his superiors in matters of technicality or principle when they are not clear to him. He will make special effort to fully understand his relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.
- E. *Utilization of proper means to gain proper ends.*** The law enforcement officer shall be mindful of his responsibility to pay strict heed to the selection of means in discharging the duties of his office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.
- F. *Cooperation with public officials in the discharge of their authorized duties.*** The law enforcement officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of political affiliation or personal prejudice. He shall be meticulous, however, in assuring himself of the propriety under the law of such actions, and shall guard against the use of his office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, he shall seek authority from his superior officer, giving him a full report of the proposed service or action.
- G. *Private conduct.*** The law enforcement officer shall be mindful of his special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expression of either disrespect for the law or seeking to gain special privilege, reflects unfavorably upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable man. Following the career of a policeman gives no man special privileges. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, he will so conduct his private life that the public will regard him as an example of stability, fidelity, and morality.
- H. *Conduct toward the public.*** The law enforcement officer, mindful of his responsibility to the whole community, shall deal with the individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct his official life in such a manner as to inspire confidence and trust. Thus, he will be neither overbearing nor subservient, for no individual citizen has an obligation to stand in awe of him, nor a right to command him. The officer will give service where he can and require compliance with the law. He will do neither from a personal preference or prejudice, but rather as a duly appointed officer of the law discharging his sworn obligation.
- I. *Conduct in arresting and dealing with law violators.*** The law enforcement officer shall use his powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. His office gives him no right to prosecute the violator, nor to mete out punishment for the offense. He shall at all times have a clear appreciation of his responsibilities and limitations regarding detention of the violator. He shall conduct himself in such a manner as will minimize the possibility of having to use force. To this end, he shall cultivate a dedication to the service of the people and the equitable upholding of their laws, whether in the handling of law violators or in dealing with the law abiding.
- J. *Gifts, favors, and gratuities.*** The law enforcement officer representing government bears the heavy responsibility of maintaining, through his own conduct, the honor and integrity of all government institutions. He shall therefore guard against placing himself 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, he 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.
- K. *Presentation of evidence.*** The law enforcement officer shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, he will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word. The law enforcement officer shall take pains to increase his perception and skill of observation, mindful that, in many situations, his is the sole impartial testimony to the facts of the case.

- L. ***Attitude toward profession.*** The law enforcement officer shall regard the discharge of his duties as a public trust and recognize his responsibility as a public servant. By diligent study and sincere attention to self-improvement, he shall strive to make the best possible application of science to the solution of crime, and in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. He shall appreciate the importance and responsibility of his office, and hold police work to be an honorable profession rendering valuable service to his community and his country.

#### 101.040 GENERAL RULES OF CONDUCT

- A. ***Employees to be courteous.*** Employees, when dealing with the public and each other, shall be patient, courteous, and respectful. Employees shall be tactful in the performance of their duties, shall control their tempers, exercise the utmost patience and discretion, and not engage in argumentative discussions even in the face of provocation, and shall be attentive to citizens seeking assistance or information, or who desire to register complaints or give evidence.
- B. ***Statements by employees shall not belittle others.*** Employees of the Department shall not intentionally make statements belittling the beliefs or teachings of another without legal basis for their utterances, nor shall they make statements that by their very utterance would bring discredit upon the Department through demonstration of a lack of compassion, tolerance, understanding, or thoughtfulness on the part of the employee. Employees shall not express any prejudice concerning race, religion, politics, national origin, lifestyle, or similar personal characteristics.
- C. ***Coarse language and gestures.*** In the performance of their duties employees will not use coarse, violent, profane, insolent language or gestures,
- D. ***Prejudicial statements prohibited.*** Employees shall not express any prejudice concerning race, sex, religion, politics, national origin, lifestyle, disability, or similar personal characteristics.
- E. ***Employees to be punctual.*** Employees shall regard punctuality in all their engagements and the diligent performance of their duties as a prime responsibility to the public.
- F. ***Employees to be impartial.*** Employees shall be cognizant of their primary obligation to render impartial, efficient, and effective services to the public in the discharge of their duties, and to always regard their office as a public trust.
- G. ***Authority not to be used to secure personal advantage.*** Employees shall administer their duties in a courteous, fair, just, impartial, and reasonable manner, according no one more reasonable treatment than others. They shall recognize the limitations of their authority, and at no time use the power or influence of their office or position for their own personal advantage.
- H. ***Employees responsible for city property.*** Employees are responsible for loss or damage to city property due to their carelessness or negligence, and shall safeguard city property against loss or damage.
- I. ***Discriminatory behavior prohibited.***
  - 1. The Department will not condone, permit, or tolerate, on the part of its employees, any kind of harassment of persons, whether employees, applicants, or members of the public, on the basis of sex, color, race, religion, national origin, age, disability, marital status, change in marital status, pregnancy, or parenthood. Employees who knowingly permit, engage in, or instigate such harassment will be subject to disciplinary action up to and including dismissal.
  - 2. The Sitka Police Department subscribes to a policy of equality in the provision of services and the application of enforcement actions to all citizens. Decisions to arrest, file charges, or to deliver any service to a member of the public shall not be influenced by that person's race, sex, creed, employment, or political standing or beliefs.

**101.050 NEGLECT OF DUTY**

- A. ***Neglect of duty.*** Employees shall not engage in any activities or personal business that causes them to neglect or be inattentive to their assigned tasks, while on duty.
- B. ***Reporting for duty.*** Employees shall report for duty at the time and place required by assignment or orders, and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties.

Judicial subpoenas shall constitute an order to report for duty under this section.

- C. ***Fictitious illness or injury reports.*** Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive the Department as to the condition of their health.

If requested by the employer, an absence reported as "sick leave," shall be supported and verified through written documentation provided by a licensed physician.

- D. ***Sleeping on duty.*** Employees shall remain awake while on duty. If unable to do so, and in danger of falling asleep, they shall report to a supervisor, who shall immediately release the employee from duty, placing the employee in appropriate leave status, pending further supervisory review and appropriate action.
- E. ***Absent without leave.*** Employees, while on duty, shall not leave any post, assignment, duty, or their area without permission from their supervisor.

**101.060 FOLLOWING ORDERS AND ASSIGNMENTS**

- A. ***Employees are required to complete assignments in timely manner.*** All employees are required to complete their assignments in a timely manner.
- B. ***Supervisors are responsible for completion of subordinate's assignments.*** It is the supervisor's responsibility to assure that subordinates assignments are reasonable, possible, practical, and are completed on time and as required by department policies, rules, and procedures.
- C. ***Consequence of assignment neglect.*** In addition to disciplinary measures imposed for neglect of responsibilities, employees may also experience leave cancellation and merit increases being denied or withheld.
- D. ***Action of employee receiving conflicting orders.*** Employees who are given an otherwise proper order, which is in conflict with a previous order, rule, procedure, regulation, or directive, shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, or directive previously issued.
- E. ***Action of employee receiving unlawful order.*** An employee shall not obey any order which he knows, or should know, would require him to commit an unlawful act. If in doubt as to the legality of an order, the employee shall request a conference with a higher authority, stating the reasons why he believes the order to be unlawful, or shall request the issuing supervisor to clarify and present a copy of the order in writing. A copy of the order is to be retained by the employee.
- F. ***Insubordination.*** Employees shall promptly obey any lawful order of the chief, a superior officer, a commanding officer, an Officer-in-Charge (OIC), or a civilian supervisor. This includes orders relayed to an employee by another employee of the same or lesser classification, by any other member of the department, or by any reliable means.
- G. ***Failure to comply with directions.*** Employees shall comply with department policies and with verbal or written directions, instructions, directives, manuals or memoranda or other communications from a supervisor, officer-in-charge, or superior officer.

- H. Truthfulness.** Employees responding to superiors or to questions posed during the normal course of business or during an official investigation shall truthfully, completely, and thoroughly answer all questions specifically directed or narrowly related to the scope of inquiry. Employees failing to be forthright in response to any work related question are subject to disciplinary procedures due to dishonesty.

#### 101.070 FAILURE TO PERFORM DUTIES PROPERLY

- A. Violation of rules.** Employees shall not commit or omit acts that they know, or should know, would constitute a violation of any written rules, regulations, procedures, directives, or orders of the Department.
- B. Departmental reports.** Required reports, submitted by employees, will be truthful, complete, and submitted on time. No employee shall knowingly enter, or cause to be entered, any inaccurate, false, or improper information.
- C. Processing property and evidence.** Property or evidence that has been discovered, gathered, or received in connection with Departmental responsibilities will be processed in accordance with established Departmental procedures. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence.
- D. Abuse of process.** Employees shall not make formal false accusation of any charges including criminal or traffic offenses. Employees shall not knowingly make formal false accusations of employee misconduct.
- E. Arrest, search, and seizure.** Officers shall not make any arrest, search, or seizure that they know, or should know, is not in accordance with law and Departmental procedures.
- F. Use of government equipment.** Employees shall utilize Department or city equipment for its intended purpose, in accordance with established Department procedures, and shall not abuse, use negligently, negligently damage, or lose this equipment through acts of omission or commission. This equipment shall be maintained in proper order and any defect or hazardous condition will be reported to the employee's supervisor. Employees shall not use, nor shall they allow family members or other persons to use, government equipment for personal benefit or other non-city business purposes except where specifically allowed in law, regulation, or policy.

#### 101.080 IMPROPER CONDUCT

- A. Unbecoming conduct.** Employees 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 an employee shall include that which brings the Department into disrepute, or reflects discredit upon the employee as a member of the Department, or that which impairs the operations or efficiency of the Department or employee.
- B. Personal conduct.** Employees shall conduct their personal and business affairs in a manner that does not discredit or otherwise bring the department into disrepute or compromise the employee's ability to perform his or her duties.
- C. Conformance to laws.** Employees shall obey all the laws of the United States and of the state and local jurisdiction in which the employees are present.
1. A conviction of the violation of any law shall be PRIMA FACIE evidence of a violation of this section. Lack of a criminal complaint, or an acquittal of a violation of law, shall not preclude internal administrative investigation and disciplinary action.
  2. Employees are required to report arrests, indictments and/or convictions for misdemeanor or felony crimes to their supervisor immediately upon return to duty. Arrests, indictments and/or convictions shall be reported regardless of the jurisdiction in which the charges were made.
- D. Cowardice.** No officer shall shirk from danger or show cowardice.

- E. Possession and use of drugs.** Employees shall not possess or use any controlled substance in violation of Municipal, State, or Federal Law. When a licensed medical practitioner prescribes products containing a controlled substance in the treatment of an employee which will or is likely to have an impact on the performance of the employee's duties, the employee's supervisor shall be notified immediately.

Employees shall be tested in accordance with the City's Anti-Drug & Alcohol policy.

**F. Use of alcohol.**

1. Employees shall not consume intoxicating beverages while on duty, in or out of uniform, except in the performance of duty, and while acting under proper and specific orders from a superior officer. Employees shall not appear for duty or be on duty while under the influence of intoxicants.

Employees shall be exempt from this provision when attending Department approved functions, e.g., banquets or formal ceremonial functions.

2. Employees, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results or may result in behavior that discredits the Department or renders the employee unfit to report for the next regular tour of duty.

**G. Use of tobacco.**

1. Employees of the Department shall be aware of and obey the law in regards to smoking as outlined in AS 18.35.
2. Employees of the Department, while on official duty, shall not carry, either in hand or mouth, lit or unlit, a cigarette, cigar, pipe or chewing tobacco, when approaching a violator, in lending assistance to any person, while making contact with any member of the public, or when the possibility exists for them to make contact with the public.
3. Employees of the department are prohibited from smoking in City owned, leased, or rented vehicles. Refer to OPM chapter 102.020C.

**H. Gifts, gratuities, bribes or rewards.**

1. Employees shall not solicit or accept any gift or privilege (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) from any person, business, or organization, for the benefit of the employee or the Department, if it may reasonably be inferred that the gift:
  - (a) Seeks to influence the performance or nonperformance of an official nature or duty. (Any incident of this type shall be immediately reported to the employee's supervisor).
  - (b) Has an interest that may be substantially affected, directly or indirectly, by the performance or nonperformance of an official duty.
2. Employees of this Department shall not accept any rewards or gifts that are the result of services rendered while on official duty, or as a result of official action, without the consent of the Chief.

**I. Abuse of position.**

1. Employees shall not use their official position, official identification cards or badges:
  - (a) For personal or financial gain.
  - (b) For obtaining privileges not otherwise available to them, except in the performance of duty.
  - (c) For avoiding consequences of illegal acts, such as: relief from traffic ordinances, statutes, or regulations while operating privately owned vehicles.

2. Employees shall not lend to another person their identification cards or badges, or permit them to be photographed or reproduced, without the approval of the Chief.

**J. *Influence affecting persons or effecting results.***

1. Any attempt by a member to bring influence to bear upon the Chief for the purpose of securing promotion, transfer, or for personal interest, or to avoid the penalties for reprehensible action or conduct, shall be considered equivalent to insubordination and treated accordingly.
2. No member, while on official duty, will solicit or seek outside influence in the form of requests, letters, or petitions to be sent with the intent of influencing their superiors, the city council, or the executive branch of city government.

**K. *Advertisements, endorsements, and referrals.***

1. Employees shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.). In the case of ambulance or towing service, when such service is necessary, and the person needing the service is unable or unwilling to procure it or request assistance, employees shall proceed in accordance with established Departmental procedures.
2. Employees shall not endorse, sanction, or knowingly permit the use of their names, titles, ranks, or photographs, or generic title of "Sitka Police Officer" to be used in connection with any advertisement or testimonial, without the written permission from the Chief.

**L. *Questionable associations.*** Employees shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the employees.

**M. *Visiting prohibited establishments.*** Employees shall not knowingly visit, enter, or frequent a house of prostitution, gambling house, or establishment wherein the laws of the United States, the state, or the local jurisdiction are violated, except in the performance of duty. Employees are exempted from this policy when acting under proper and specific orders from a supervisor.

**N. *Gambling.*** Officers shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty, and while acting under proper and specific orders from a supervisor.

**O. *Public statements and appearances.***

1. Employees shall not criticize or ridicule the Department, its policies, or other employees, by speech, writing, or other expressions, where such speech, writing, or other expression is defamatory, obscene, unlawful, impairs the operation or efficiency of the Department, or is made with reckless disregard for truth or falsity.
2. Employees shall not address public gatherings, social networking opportunities, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or periodical, release or divulge investigative information, or any other matters of the Department while representing the Department in such matters, unless specifically authorized by Department policy.
3. Any official statements for public release concerning the affairs of the Department, e.g., organization changes, creation of new posts, etc., which have not been released to the public, must be authorized by the Chief or his designee.

**P. *Confidential departmental information.***

1. Employees shall not release reports or information relative to any investigation except in accordance with the written instructions of the Sitka Police Department relative to the confidentiality of certain records.
2. Employees shall not divulge information deemed confidential to any unauthorized person, whether obtained through the execution of Departmental duties or other means.

3. Employees shall not release any information pertaining to employees (personnel records) except in accordance with written instructions from the Chief, City Administrator, or City Attorney.
  4. Employees shall not divulge the identity of persons giving confidential information except as authorized by proper authority.
- Q. *Damaging information.*** Upon discovery, any information potentially damaging to the Department or its members, will be reported, via the appropriate channels, to the Chief.
- R. *Statements in civil cases.*** In civil cases, statements concerning official Department business will not be given by employees to litigants or their attorneys without a court order and prior notification to a supervisor.
- S. *Protection of department documents.*** Employees shall not copy, alter, destroy, remove, or fail to safeguard any official record or document, except in accordance with established Department procedures.
- T. *Improper use of department records.*** Employees shall not make improper use of information contained in Department records. Employees violating this section may be subject to criminal prosecution and/or discipline, up to and including dismissal. Improper use of departmental information includes:
1. viewing departmental records without a legitimate business purpose for doing so (including for the purpose of satisfying curiosity);
  2. obtaining information in violation of law, regulation, policy, procedure, or other rule;
  3. release of records to any third party not legally entitled to the records;
  4. release of records to any third party not authorized by policy or procedure to receive the records;
  5. release or use of records for personal gain, or to benefit or cause injury to a third party (including influencing political, electoral, or governmental decisions); and
  6. release or use of records for financial gain.
- U. *Treatment of prisoners.*** Prisoners will be treated with respect and shall not be verbally, mentally, or physically abused. Force will only be used against persons in custody to the extent necessary to prevent escape or to assure compliance with lawful orders.
- V. *Sexual contact by employees.*** Employees shall not engage in sexual contact while on duty or while in city buildings or vehicles. Sexual contact is considered to be any behavior or act of a sexual nature.
- W. *Surreptitious recording of one employee by another.*** No employee of the Department shall record another employee by any means without his or her knowledge

This provision does not apply to recordings: made by Department installed telephone line recorders; made by security cameras installed in Department facilities; made pursuant to court orders (e.g. Glass Warrants); or made during Department authorized criminal or administrative investigations.

### 101.090 INCOMPETENCE

Employees shall execute their duty to the best of their training and ability. An employee failing to carry out their duty in a competent manner after receiving training and having a reasonable opportunity to seek assistance or guidance shall be deemed incompetent and shall be subject to appropriate disciplinary action.

### **101.100 DEFINITIONS**

***Egregious Misconduct*** -- Including but not limited to gross disobedience, theft, fraud, dishonesty, chemical or alcohol intoxication, being under the influence of alcohol while on the job, physical misconduct, abuse or lewd behavior, the unauthorized possession, viewing or accessing of pornography or lewd materials at work or on State equipment, or the abandonment of duties. See OPM Chapter 111.360A.

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**CHAPTER 102**  
**VEHICLE OPERATION**  
Chapter Revised 01/01/2012

**102.010 INTRODUCTION**

The Department policies established in this chapter are not intended, and should not be construed, to be used as evidence of the existence of any higher duty of safety or care than is otherwise provided by law. Rather, violations of this chapter are to be used solely to form the basis for departmental administrative action.

**102.020 GENERAL PROVISIONS**

- A. *Vehicles to be used only for city business.*** A police officer or employee may not use or permit the use of a city-owned, leased, or rented vehicle except in the conduct of city business. A Department employee who violates the above provision will be subject to disciplinary procedures that may result in dismissal from city employment.

Officers of the rank of Lieutenant or above and Detectives who are assigned take-home vehicles are expected to respond immediately upon notification, regardless of time of day or location, and are consequently authorized the use of a city-owned or leased vehicle for personal use.

- B. *Security of city vehicles and contents.*** Employees shall take reasonable precautions (such as removing keys, securing contents, and locking doors) to prevent theft or vandalism of vehicles and contents.
1. Items of value left in unattended city vehicles for extended periods of time make those vehicles prime targets for theft or vandalism. Easily stolen items such as portable radios, cell phones, notebook computers, video cameras and the like are particularly subject to theft. Vehicles may also contain other items that may be damaged by extended exposure to the cold and/or moist conditions in a vehicle that is parked outdoors for an extended period.
  2. All items of value that are not an integral, attached part of the vehicle, and any that may be damaged by environmental conditions shall be removed and stored in a secure location prior to leaving any city vehicle parked for an extended period.
  3. Weapons of any kind should never be left in vehicles parked for extended periods and must be removed to secure storage.
- C. *Smoking prohibited in city vehicles.*** SPD employees are prohibited from smoking in city owned, leased, or rented vehicles.

**102.030 VEHICLE OPERATIONS**

- A. *Operation to be prudent and lawful.*** Employees shall operate motorized equipment in a careful and prudent manner, and shall obey all laws and Departmental orders pertaining to such operations, unless specifically exempted. They shall operate their vehicles in a manner that demonstrates consideration for their own safety and the safety of others who may be using the roadway.
- B. *Seat belt use required.*** All occupants must wear seat belts if available while in any Department owned, leased, or operated vehicle. It is the responsibility of the vehicle operator to assure compliance with this provision.
- C. *Headlights should be used at all times.*** Employees should use headlights at all times when operating motor vehicles. Officers engaged in surveillance or other activities where the use of headlights would jeopardize an enforcement activity are exempted from this provision.
- D. *Carrying civilians limited.*** Except during the normal course of duty, no civilian, other than a Department employee or person participating in a department related activity, may be transported in a Department operated vehicle unless specifically authorized by the operator's supervisor.

- E. *Actions before operation.*** Every operator of a Department owned, leased, or operated vehicle is responsible to check for proper operation of lights, brakes, horn, windshield wipers, and tires before operation. Officers, prior to operation, also shall thoroughly inspect vehicles for contraband items and assure that equipment provided, such as a police radio, shotgun, first aid kit, or spare ammunition, is present and operational.
- F. *Restrictions on civilian operators of marked vehicles.*** Non-commissioned personnel may not operate a marked vehicle unless:
1. a state of dire emergency exists;
  2. it is required during maintenance; or
  3. a civilian member is specifically directed to do so through authority of their office.
- G. *Pushing or pulling vehicles.*** Department vehicles equipped with factory or city installed push bumpers may be used to move another vehicle when the location of the vehicle to be moved constitutes a significant hazard to life or property. This provision does not preclude Department vehicles not equipped specifically for pushing or pulling another vehicle from doing so where emergency circumstances constituting an immediate hazard to life exist.
1. No vehicle may be moved by a Department vehicle unless there is a suitable person available to steer or otherwise control the vehicle that is being moved.
  2. It is the responsibility of the operator of the Department vehicle to ensure that movement of a vehicle can be accomplished without endangering others and that unnecessary property damage does not occur.
  3. The distance that the vehicle may be moved shall be no greater than necessary to eliminate the hazard.
- H. *Use of warning lights while stopped.*** When stopped on or along a roadway emergency strobe lights, rotating beacons, or warning flashers shall be activated as appropriate to warn other traffic that may be present.
- I. *Violation of traffic regulations during undercover operations.*** Officers operating unmarked or undercover vehicles may violate traffic regulations during undercover operations provided that the violation can be conducted with reasonable safety to officers and others. Officers violating traffic regulations during undercover operations must consider the factors in Section 103.040 (A).
- Officers operating undercover vehicles or unmarked units not equipped with lights and siren, will not become involved in vehicular pursuits as defined in Section 103.020 (C).
- J. *Jump-starting Vehicles.*** Patrol vehicles must not be used to jump start other vehicles except in emergency circumstances constituting an immediate hazard to life exist.

#### **102.040 USE OF DEPARTMENT BOAT OR VESSEL**

No employee shall use department boats or vessels except for the conduct of official business or in connection with an official function. No employee is to utilize any department boat or vessel to obtain personal advantage or profit. Refer to ERV Procedure Manual.

#### **102.050 DEFINITIONS**

***Vehicle*** -- a motor vehicle that can be licensed to operate on the highways of the State. This includes cars, trucks, buses, vans, motorhomes, motorcycles, etc. but excludes snow machines, three and four wheelers, and other vehicles not designed for operation on highways.

***Marked vehicle*** -- a vehicle with permanently installed visible markings identifying the vehicle as operated by a member of the Sitka Police Department.

## **CHAPTER 103 EMERGENCY VEHICLE OPERATIONS**

Chapter Revised 01/01/2012

### **103.010 INTRODUCTION**

The Department policies established in this chapter are not intended, and should not be construed, to be used as evidence of the existence of any higher duty of safety or care than is otherwise provided by law. Rather, violations of this chapter are to be used solely to form the basis for departmental administrative action. When a pursuit or high-speed emergency operation is undertaken that results in damage or injury, the officer involved will be accountable for the reasonableness of the pursuit and/or the driving actions taken during the course of the emergency. Refer to Use of Force Chapter 104.

### **103.020 RULES AFFECTING ALL EMERGENCY VEHICLE OPERATIONS**

The rules in this section apply to all emergency vehicle operations. Additional limitations on specific types of emergency vehicle operations can be found in sections 050 - 080.

- A. *Risk factors to consider.*** An officer engaging in an emergency vehicle operation of any kind must balance the need for an EVO against the dangers associated with such operations. Officers shall be aware of and consider all conditions affecting this balance, including:
1. the seriousness of the initial underlying offense;
  2. other emergency resources at or near the scene, or in a position to affect the outcome;
  3. the immediate danger posed by the suspect's attempts to flee;
  4. the suspect's identity, history of violence or dangerous behavior, and whether later apprehension is possible;
  5. the type of road and its surface condition;
  6. existing weather conditions;
  7. the officer's familiarity with the area;
  8. the amount and nature of vehicular and pedestrian traffic; and,
  9. the officer's skill as a driver and the current performance capabilities of the Department vehicle.
- B. *Special restrictions on emergency vehicle operations.***
1. Vehicles transporting prisoners or members of the public may not engage in emergency vehicle operations unless a passenger is suffering a medical emergency.
  2. Privately owned vehicles may not be used as emergency vehicles in any emergency vehicle operation.
  3. Officers may not escort emergency vehicles unless a special circumstance exists which requires the action; e.g., driver of an emergency vehicle is not familiar with road blockages or outages.
  4. Officers engaging in emergency vehicle operations may not pull out in front of, turn into the path of, or pass another vehicle unless the other vehicle has indicated through their actions (e.g. pulling over) that they are aware of the presence of the emergency vehicle.
  5. Any vehicle that sustains damage to, or suffers a failure of any essential vehicular equipment shall immediately cease emergency vehicle operations. Damaged vehicles that can do so safely are permitted to engage in non-EVO responses.

- C. *Special precautions at intersections.*** Officers shall exercise extreme caution at all intersections when engaging in any emergency vehicle operation.
1. No Department vehicle may enter an intersection in violation of a traffic control device unless it can be done safely.
  2. Officers should use red lights and siren, when available, to warn pedestrians and other traffic of their approach to an intersection except when to do so would warn a dangerous suspect of their approach.
  3. Vehicles without permanently mounted emergency lights adequate to provide visual warning to other vehicles are required to stop before entering an intersection in violation of a traffic control device.
  4. It is the responsibility of the officer to ensure that all other vehicles are yielding the right of way to the emergency vehicle before entering an intersection in violation of a traffic control device.
- D. *Notification to dispatcher of emergency vehicular operation.*** It is the responsibility of each officer engaging in an emergency response or pursuit to advise dispatch of their participation and to receive acknowledgment from the dispatch center. Officers engaged in an emergency response or pursuit shall communicate the following information to dispatch:
1. identity of the officer;
  2. reason for the emergency vehicle operation;
  3. current location;
  4. intended destination (if applicable);
  5. direction of travel (if applicable);
  6. details which will enable supervisors, dispatchers, and other officers to assess the situation and, if authorized and necessary, provide assistance.
- E. *Termination of emergency vehicle operations.*** Emergency vehicle operations shall be terminated by an officer any time he considers it unwise to continue based upon risk to the persons involved or the public, or upon the order of a supervisor or OIC. Officers will not be disciplined for terminating emergency vehicle operations which they consider unsafe or unwise to continue.
- F. *Dispatch responsibilities during emergency vehicle operations.*** During any type of emergency vehicle operation it shall be the responsibility of dispatch to:
1. account for all officers involved and attempt to identify all units responding;
  2. provide all information to the supervisor or OIC who oversees the event; and
  3. clear radio channels of all non-emergency calls and control radio traffic as directed by a supervisor.
- G. *Supervisors to oversee any emergency vehicle operations.*** Supervisors are responsible for monitoring any emergency vehicle operations in their area of responsibility and for determining the necessity, compliance with all applicable rules, and for ordering termination of any unnecessary or out-of-policy emergency vehicle operations.
- When monitoring an emergency vehicle operation the supervisor should consider ordering termination in any situation where there is uncertainty as to the necessity for the emergency vehicle operation; as to compliance with applicable policies, rules, or procedures; or in the wisdom of continuing.
- H. *Operations Lieutenant to review emergency vehicle operations.*** The Operations Lieutenant shall, on a regular basis, review the conduct of emergency vehicle operations conducted by SPD. This review shall be for the purpose of monitoring compliance with all applicable department policies and especially the appropriate consideration of the factors listed in 103.020-A.

- I. Use of lights and siren during emergency vehicle operations.** Officers will use their emergency lights and / or sirens during any emergency vehicle operation when reasonably necessary to warn pedestrians and other drivers of their approach. Applicable portions of the Alaska Administrative Code include:

13 AAC 02.517. AUTHORIZED AND OTHER EMERGENCY VEHICLES. (b) The driver of an authorized emergency vehicle when responding to an emergency must use an audible signal meeting the requirements of 13 AAC 04.210(d) and visual signals meeting the requirements of 13 AAC 04.090, except that an authorized emergency vehicle operated as a police vehicle need not display a red light visible from in front of the vehicle and except as provided in (c) of this section.

(c) A driver of an authorized emergency vehicle which is parked, stopped or standing in disregard of a regulation prohibiting the parking, stopping, or standing may not use an audible signal.

13 AAC 04.210. HORNS AND WARNING DEVICES. (d) Every authorized emergency vehicle must be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of at least 500 feet; the siren may be used only when the emergency vehicle is operated in response to an emergency call or is in the immediate pursuit of a suspected violator of the law. The driver of the emergency vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach.

### 103.030 EMERGENCY RESPONSES

During an emergency response both the provisions of this section and those of Section 020 (Rules Affecting All Emergency Vehicle Operations) apply.

- A. When emergency response is authorized.** Emergency response is authorized in the following situations:

1. when overtaking an offender where circumstances justify the prudent disregard of traffic regulations;
2. for medical emergencies when there is a reasonable expectation that the officer can arrive before EMS or other professional medical personnel;
3. for person crimes where the offender is still at the scene;
4. for person crimes where the offender has left the scene but where the officer is near enough to have a reasonable opportunity to apprehend them in the immediate vicinity;
5. to prevent a person crime, or injury to a person from occurring; or
6. for crimes which by their very nature endanger persons (e.g. burglary, arson, negligent discharge of a firearm, etc.) when the officer is near enough to have a reasonable opportunity to affect the outcome or apprehend the offender.

- B. Emergency response to alarms limited.** Emergency responses are not authorized for intrusion or other alarms (including 911 hang-ups) unless there is a strong indication beyond the alarm itself that a crime is actually in progress and there is a reasonable expectation that the officer will arrive while the crime is still in progress.

### 103.040 VEHICULAR PURSUITS

During a vehicular pursuit both the provisions of this section and those of Section 020 (Rules Affecting All Emergency Vehicle Operations) apply.

- A. Special rules applying to vehicular pursuits.**

1. Officers must always operate their own vehicles in a manner that balances the goal of apprehending the suspect with the goal of creating the least amount of additional risk to themselves, the public or the suspect.

2. Unless there is an immediate need to apprehend a suspect, a pursuit will not be continued once the suspect is identified to the point where later apprehension can be accomplished. Officers should seek supervisory approval for continuation in these circumstances.
3. Unless specifically authorized by a supervisor or OIC, no more than two vehicles may engage in pursuit of the same vehicle
4. The maximum of two participating vehicles includes any vehicle participating in any manner using emergency equipment or traveling in excess of the speed limit. Participants may include, but are not limited to: vehicles paralleling the route of travel; vehicles converging on the anticipated route of the pursuit; vehicles seeking to place immobilization devices or roadblocks ahead of the pursuit; and vehicles from other departments. Once the two participating vehicle limit has been reached, officers shall remain in their assigned areas unless specifically requested to participate by a supervisor or OIC.

Vehicles attempting to get to locations to set up tire deflation devices or other reasonable non-vehicular means of assisting in stopping the suspect vehicle or apprehending the suspect which are being operated in a safe and prudent manner and within normal speed restrictions are not considered as part of the pursuit.

5. Only vehicles equipped with emergency lights and siren are permitted to engage in pursuits.
6. If practical, any non-pursuit rated vehicle involved in a pursuit should be replaced with a pursuit rated (preferably fully marked) vehicle at the earliest opportunity.
7. Officers may not imitate or mirror dangerous vehicular maneuvers of a pursued vehicle.
8. Except in circumstances involving death or serious injury resulting from the violator's actions during a pursuit, the decision to continue a pursuit may not be based on new offenses that are the result of the pursuit process itself, but must be justifiable based on the original underlying reason for the pursuit.
9. Officers engaged in a pursuit who lose sight of the pursued vehicle under circumstances where the route of, or the location of the pursued vehicle is no longer known shall immediately terminate the pursuit and any emergency vehicle operations. Termination is not required for momentary loss of visual contact due to limited sight distance from curves in the roadway or other brief obstructions.
10. The pursuing officer must have a plan for concluding the pursuit at the earliest possible point. Additionally, the officer must have a secondary plan in the event that the first attempt to conclude the pursuit fails. The pursuit plan must be immediately put into effect by making specific requests for actions by other units, dispatch or members of another law enforcement agency. Intentional termination of a pursuit can occur in one of three ways - the violator stops, the officer or a supervisor ends the pursuit, or the violator is forcibly stopped through the use of a vehicle immobilization device or other similar action.
11. Termination of a pursuit does not prohibit following the vehicle at a safe speed or remaining in an area to apprehend the subject if the opportunity arises and conditions permit.
12. All officers involved in a vehicular pursuit must be able to clearly articulate the manner in which they evaluated each of the factors and applied the rules found in this Section and in Section 020.

**B. Pursuits involving other agencies.**

1. Officers will only become involved in pursuits initiated by other agencies when the other agency requests assistance and the reason for the pursuit is known and the underlying reason for the pursuit constitutes an immediate life threatening circumstance. SPD personnel will not be involved in pursuits initiated by other agencies where the initial underlying reason is a traffic offense or non-life threatening crime.
2. Any officer involved in a pursuit initiated by another agency will comply with all provisions of this chapter and will refuse any request to operate outside our policy. When a SPD vehicle becomes the primary vehicle in any pursuit the pursuit becomes the responsibility of the Department to manage consistent with this policy and to terminate the pursuit if full compliance is not adhered to by other agencies involved.

3. This section does not prohibit an SPD member from employing other, non-vehicular methods or means of assisting the other agency such as the deployment of a tire deflation device or providing traffic control ahead of the pursuit, as long as no emergency vehicle operation is required.
- C. *Notification to dispatch when pursuit occurs.*** In addition to the notification requirements for any emergency vehicle operation as outlined in Section 103.020 D, dispatch shall be provided with the following during a vehicular pursuit:
1. The speed of a vehicle being pursued including updates of significant increases or decreases in speeds.
  2. A detailed description of the pursued vehicle, license number, occupants and any other known information that might assist in the apprehension of the suspects, formulation of a pursuit plan or supervisory assessment of the pursuit.
- D. *Additional dispatch responsibilities during pursuits.*** In addition to the dispatch responsibilities outlined in Section 103.020 F, during a vehicular pursuit dispatch shall:
1. Notify a supervisor that a pursuit has begun. If the on-duty supervisor is involved in the pursuit, immediately notify the Lieutenant or the Chief.
  2. Receive and record all information incoming on the pursuit and pursued vehicle.
  3. Obtain and broadcast to involved units any known vehicle and registration information and any known criminal check information involving the suspect vehicle or known suspects.
- E. *Supervisor to be notified.*** Officers engaging in a vehicular pursuit shall immediately notify a supervisor or request that a supervisor be notified.

In the event that a supervisor cannot be contacted or if the on-duty supervisor is the pursuing officer, every reasonable effort will be made to involve another officer in the analysis and decision making process. The second officer may advise the pursuing officer that the pursuit should be terminated and assist in the formulation of the pursuit plans.

- F. *Supervisory responsibilities during vehicular pursuits.*** Upon being notified of a vehicular pursuit supervisors will exercise active command and control of the pursuit including:
1. Identifying all units involved and their locations.
  2. Continuously reviewing the incoming data to determine whether the pursuit should continue.
  3. Ensuring that there is a plan for conduct of the pursuit.
  4. Directing the response and actions of all units involved at any level.
  5. Maintaining and exercising final authority to terminate the pursuit at any point when an assessment of the risk factors indicates a need to terminate. This does not relieve the pursuing officers from a responsibility to terminate the pursuit when their own assessment of the risk factors indicates the same need to terminate.
  6. Approving and assigning additional backup to the pursuit. When considering the approval of additional units the supervisor will assess and be prepared to clearly articulate the assessment of at least the following factors in addition to the previously stated risk factors:
    - a. Nature of the underlying offense.
    - b. Any available information concerning the suspect and knowledge of past violence or other dangerous acts engaged in by that suspect.
    - c. The officers in the pursuing vehicles, their skills and experience.

- d. Details of any damage to the pursuing or back up vehicles and any injury to involved officers or members of the public.
  - e. Any other facts that would justify the increase in potential danger caused by an increase in the number of pursuit vehicles.
7. Terminating a pursuit immediately if they lack sufficient information to make a reasonable assessment of the risk factors and other conditions outlined in this chapter.

**G. Report required for every vehicular pursuit.** A detailed case report or supplement to the case report shall be prepared by each officer involved within 24 hours of the pursuit incident and sent through the chain of command to the Lieutenant. Additionally, the case report shall include the factual basis for the pursuit and shall detail the conduct and outcome of the pursuit.

### 103.050 ROADBLOCKS

- A. Use of a roadblock is a use of force.** The use of a roadblock against a moving vehicle carries significant risk of injury or death to persons riding in the pursued vehicle, to officers, and to others using the roadways. Because of this danger, the use of roadblocks is ranked on the "use of force options" above the use of impact weapons and may overlap with the use of deadly force depending upon the specific circumstances. The use of roadblocks shall be limited to those cases where officers have exhausted other apprehension techniques reasonable under the circumstances and there is a clear necessity to immediately stop the vehicle and where no other reasonable alternative exists to apprehending the vehicle.
- B. Use of roadblocks authorized only to remove threat of harm to persons.** The use of roadblocks is authorized only to remove an unreasonable hazard to motorists or to apprehend a person who presents an immediate threat to persons. Examples of allowable uses include the case where a driver is operating their vehicle on the wrong side of a controlled access highway and is an immediate danger to life; or where there is probable cause to believe the person has committed a felony using deadly force against another, and will immediately endanger life if not apprehended. Officers using roadblocks must be able to specifically identify the threat posed by the suspect or pursued vehicle and be prepared to explain why other apprehension techniques were impractical. A possible, speculative, or theoretical, threat to unknown persons is not sufficient justification for the use of roadblocks.
- C. Supervisory approval required where practical.** Where practical, officers must request and receive authorization for use of roadblocks prior to their use.
- D. Placement and utilization of roadblocks.** Officers establishing roadblocks shall assure that they can be used with reasonable safety to officers, the person pursued, and to other persons using the roadway. Factors which officers should consider when using roadblocks include:
1. a location that does not create an unreasonable hazard to the vehicle being pursued, or other users of the roadway;
  2. sufficient marking of any blockade (such as reflectors, traffic cones, flashing lights, flares, etc.) so that the person pursued and other users of the roadway can see and avoid crashing into the blockade;
  3. positioning of police vehicles to allow the vehicle pursued an alternative to crashing into a blockade;
  4. positioning of officers to avoid injury if the pursued vehicle fails to stop;
  5. planing for continued pursuit if the vehicle fails to stop; and
  6. placement of vehicle immobilization devices (e.g. Stingers, Stop Sticks) in conjunction with the roadblock.

### 103.060 VEHICLE IMMOBILIZATION DEVICES

**A. Requirements for use of a vehicle immobilization device.** The following requirements are established governing the use of vehicle immobilization devices by officers of the Department:

1. Vehicle immobilization devices shall be used only by officers who have successfully completed Department sponsored or authorized training in the use of the particular device.
2. Members may only use vehicle immobilization devices approved and issued by the Department.
3. Vehicle immobilization devices shall be used only to terminate pursuits where reasonable cause exists to believe the suspect has committed or is committing an offense justifying arrest.
4. Whenever time and communications permit, a supervisor or OIC will be notified and make the decision to use or deploy any vehicle immobilization device. When such contact and approval cannot be obtained in a timely manner, the decision to use or deploy shall be made by the pursuing officer.
5. Officers shall apply the same considerations to the deployment of a vehicle immobilization device as to the continuation of a pursuit [Ref.103.020 A 1- 9].
6. Immobilization devices shall not be deployed when the deploying officer is unable to reliably communicate with pursuing officers. The deploying officer is responsible for notifying the pursuing officers of the precise location of deployment. The pursuing officer is responsible for notifying the deploying officer when the suspect is approaching.
7. An officer deploying a vehicle immobilization device is responsible for clearing the roadway of all debris resulting from its use.

**B** *Factors to consider when using a vehicle immobilization device.* An officer deploying a vehicle immobilization device must take the following factors into consideration:

1. Whenever possible, the deployment location should:
  - a. have sufficient sight distance so that the officer deploying the device can observe the approach of the suspect vehicle and other traffic;
  - b. take advantage of barriers such as roadway overpasses, bridge abutments, or guardrails that provide both visual concealment and a position of relative safety for the deploying officer; and
  - c. not increase the risk of injury to the suspect or other motorists by placement near steep embankments, curves, or other hazards.
2. Units pursuing the suspect must back off a sufficient distance so that they are not disabled by the immobilization device and so that they have time to react to sudden speed decreases, evasive action, or unpredictable maneuvers on the part of the suspect as the immobilization device is encountered.
3. Pursuing officers should not attempt to pass a pursued vehicle that is traveling in excess of the posted speed limit for the purpose of deploying an immobilization device. This does not apply to vehicle simply failing to yield.

**C.** *Use of vehicle immobilization devices limited on certain types of vehicles.* Special limitations on the use of immobilization devices apply to the following types of vehicles:

1. Motorcycles, mopeds, or other ATVs -- use of a vehicle immobilization device against motorcycles, mopeds, or other ATVs is authorized only when the use of deadly force would be authorized.
2. Vehicles transporting hazardous materials, school buses transporting students, or passenger buses transporting passengers -- no vehicle immobilization device shall be deployed against vehicles of these types unless continued movement of the vehicle would present an extraordinary hazard to the passengers or other persons.

**D.** *Immobilization device deployment to be reported.* Deployment of a vehicle immobilization device, even if the suspect vehicle failed to cross over it, shall be reported in the case report covering the incident.

### 103.070 REQUIRED EMERGENCY VEHICLE OPERATION TRAINING

All officers are required to receive emergency vehicle operation training and to review this chapter periodically. The emergency vehicle operation training will be of a duration and content to be determined by the Chief.

### 103.080 DEFINITIONS

**Emergency vehicle operations (EVO)** -- include emergency responses, vehicular pursuits, overtaking, roadblocks, and the use of vehicle immobilization devices.

**Emergency response** -- a vehicular response using emergency lights or sirens, and/or during which traffic regulations (including those regulating speed) are disregarded. (This does not include the brief use of emergency lights or sirens while overtaking or to warn other drivers of hazardous or unusual maneuvers by the response vehicle.)

**Vehicular pursuit** -- the pursuit of an offender who refuses to stop at the direction of an officer and who exhibits the intention to avoid arrest or contact by using a vehicle to flee.

**Overtaking** -- operation of an emergency vehicle to catch and attempt to contact a person or stop a violator.

**Emergency vehicle** -- a vehicle equipped with a flashing red light and a siren meeting the requirements of 13 AAC.

**Pursuit rated vehicle** -- a sedan of the same make, model, and specifications as SPD marked patrol cars.

**Roadblock** -- stationary blockades of roadways where the usual movement of traffic is prevented or obstructed, moving blockades or "boxes," or intentional ramming or contact with a moving vehicle, where these techniques are intended to stop a specific vehicle attempting to elude law enforcement officers. This does not include roadblocks established for traffic control, nor for checkpoints established for DWI enforcement or similar programs.

**Vehicle immobilization device** -- a device that disables a motor vehicle, allowing the vehicle to come to a safe and controlled stop. Vehicle immobilization device includes tire deflation devices such as Stingers.

**Pursuit plan** -- the mental plan an officer makes on how he expects a pursuit to develop and end.

**The information in this box is not policy, but is intended to clarify the intent of the rule and to guide officers in its application.**

Every EVO carries with it some degree of risk over that found in ordinary operations. The additional risk of injury or damage to property must be balanced against need to reach the scene or to apprehend a suspect or violator.

The single most important factor to be considered in making the decision to initiate or to continue an EVO is the event that prompted that decision. Like the "core transaction" in a use of force situation, this first event must be the focus of the ongoing review of subsequent actions and decisions throughout the event. Only the most serious and immediate threats to life can justify the highest risk EVOs. Traffic violations, property crimes, and non-life-threatening events justify less risky EVOs. The officer must continuously balance the original event that initiated the EVO against the current level of danger to the officer, the public and the suspect.

The officer must consider whether other resources can be utilized to reduce or eliminate the necessity for the EVO. Things to consider under this risk factor include, in the case of an emergency response, the likelihood of another officer or an EMS unit being nearer the scene and able to arrive sooner; in the case of a pursuit, of other units being able to position ahead of the offender to set up a vehicle immobilization device or to assist in maintaining visual contact with the offender. If the EVO is not likely to be successful with available resources, the operation should be terminated.

The suspect's attempts to flee the scene of a crime before the arrival of police, or to evade a pursuit create risks to both the suspect and to others. Of particular importance in this balance are risks to uninvolved third parties, including passengers in any vehicle being pursued. Any vehicle attempting to evade capture poses a certain level of danger under normal conditions. Unless clearly justified by the original reason for

the EVO, the balance of need versus danger must weigh more heavily toward termination as the suspect's actions become increasingly dangerous.

If the suspect's identity is known, the officer must carefully assess the balance between the immediate threat posed by the suspect and the dangers inherent in the EVO. If a known suspect can be apprehended later, then the officer must determine if the suspect presents an immediate threat to others justifying an EVO to affect an immediate capture. An unknown suspect committing a person crime, especially one that is likely to be repeated, justifies a riskier EVO than a known suspect committing a property crime or traffic violation.

When considering the road type and surface condition the officer must decide whether or not these factors will substantially increase the risk of initiating or continuing an EVO and whether or not the risk is acceptable. For example, while dry, clear, straight, paved roads may weigh on the side of continuing; ice and snow or curvy roads weigh on the side of termination. An officer who fails to arrive at a scene because of a crash on a treacherous road has completely failed in his duty and has made the situation more difficult to resolve.

Weather conditions must be considered from two standpoints - their effect on the road surface and their effect on visibility. The officer must not only consider the effect of weather conditions on the officer's conduct of the EVO, but must also consider its effect on the violator and on the public's ability to see the event and take precautionary action. Additionally, an officer must be aware of known weather related anomalies that will affect road and visibility conditions such as areas known to be prone to black ice due to shading from the sun, and areas prone to fog.

When initiating or continuing an EVO the officer must consider not only the immediate condition of vehicular and pedestrian traffic, but must also anticipate those conditions in the areas toward which the EVO is headed. Increased congestion means increased risk to uninvolved third parties, to the officer and, in the case of a pursuit, to the suspect. This risk factor is inextricably tied to the familiarity with area risk factor.

The officer must consider his or her personal driving skills in the vehicle being operated and under existing road and weather conditions. An officer with good driving skills may find those skills difficult to apply or very limited in a non-pursuit rated vehicle such as a Ford Explorer or a four-wheel drive pickup. Similarly, an officer with good summer driving skills may not possess sufficient skills and experience in winter driving conditions to justify engaging in EVOs.

**The information in this box is not policy, but is intended to clarify the intent of the rule and to guide officers in its application.**

The Department recognizes that the pursuit and apprehension of law violators is a fundamental aspect of its duty to protect the public. The Department also recognizes the absolute requirement to balance the aggressive pursuit and apprehension of law violators against the danger that vehicular pursuit poses to the officers involved, to the violator, and to third parties.

Some basic facts that apply to every vehicular pursuit are:

1. Vehicular pursuits of fleeing suspects present a danger to the lives of the public, officers, and suspects.
2. If the suspect does not stop, does not successfully lose the pursuing officer, or the officer does not terminate the pursuit, the event will end in a crash.
3. The risk of serious injury or death increases with the speed of the pursuit and with the increase in other risk factors such as traffic congestion, poor road conditions, etc.
4. The risk of serious injury or death increases with the length or duration of the pursuit.
5. The risk of serious injury or death increases when the pursuit continues into an area the officer is not familiar.

Officers must always operate their vehicle in a safe and prudent manner and resist the temptation to mirror reckless or dangerous driving behavior of the suspect. An example would be where the pursued vehicle crosses an intersection at a high speed and against a red light. A pursuing officer must operate in compliance with the rules of this chapter and in particular Section 103.040 C "Special precautions at intersections." In spite of the potential loss of the pursued vehicle, the officer must cross the intersection in a safe manner.

Vehicular pursuits can be initiated for any violation of law or regulation as long as the risk factors have been considered and the violation balanced against those risk factors justifies the dangers posed by engaging in the pursuit. As previously stated, the decision to pursue/not pursue or to continue/terminate a pursuit already in progress must be based on the original reason for the pursuit. Pursuits initiated for minor traffic violations must necessarily be quickly resolved or terminated with the least amount of danger to the officer, the public and the suspect. In this type of pursuit a minimal amount of risk is all that is acceptable. Conversely, when the original reason includes an immediate danger of harm to the public as in the case of a fleeing serial murder suspect, a greater degree of risk may be acceptable and a pursuit initiated or continued under circumstances that would otherwise preclude it from occurring.

The need to continue a vehicular pursuit (based on the initial underlying reason for the pursuit) must be continuously weighed against the risks. Vehicular pursuits are evolving events. The risk factors that were present one second may change the next. Risk factors must be constantly re-evaluated over the entire course of the pursuit event. When risk factors change to the point where the original reason for engaging in the pursuit will no longer justify the danger posed to the officer, the public and the violator, the officer must terminate the pursuit.

Except in circumstances involving death or serious injury resulting from the violator's actions during a pursuit, the decision to continue a pursuit may not be based on new offenses that are the result of the pursuit process itself, but must be justifiable based on the original underlying reason for the pursuit. Even under such extreme circumstances all of the risk factors must be considered and the same pursue/don't pursue decision process must occur. In all other situations the only offenses that should be considered in making the pursue/don't pursue decision are the original underlying offenses.

Policy calls for each officer involved in a pursuit to form a primary and a secondary pursuit plan. This pursuit plan is a mental plan for the conduct of the pursuit. The primary pursuit plan will often be that the person pulls over and stops followed by a felony stop. The secondary plan may be that if the person does not stop within a certain distance that the pursuit will be terminated, or it might be that a request will be made for the use of vehicle immobilization devices. The object of having the officer form pursuit plans is to encourage thoughtful consideration of the likely outcomes of the pursuit and to determine appropriate strategies to achieve a desirable outcome.

Every vehicle engaging in emergency operation as a result of the pursuit, every vehicle attempting to either anticipate the probable route of the pursuit by converging on a point likely to be ahead of the pursuit, and every vehicle attempting to overtake the immediate location of the pursuit contribute to the overall risk attributable to the incident and must be considered part of the pursuit event, be counted for the two vehicle limit, and operate within the confines of the pursuit policy.

Other reasonable means to ultimately apprehend the suspect or assist in stopping the suspect vehicle may be utilized. Vehicles attempting to get to locations to set up tire deflation devices or other reasonable non-vehicular means of assisting in stopping the suspect vehicle or apprehending the suspect which are being operated in a safe and prudent manner and within normal speed restrictions are not considered as part of the pursuit for the purposes of the two vehicle limit.

While no policy can anticipate every possible scenario, these rules and those in Section 040 provide a framework for decision-making that can be applied to every situation during both the initial pursue/don't pursue decision and during the ongoing reevaluation as the event unfolds. In every pursuit decision the officer must believe that the need to pursue and apprehend the suspect immediately is worth the potential cost.

## CHAPTER 104 USE OF FORCE

Chapter Revised 01/01/2012

### 104.010 INTRODUCTION

The Department policies established in this chapter are not intended, and should not be construed, to be used as evidence of the existence of any higher duty of safety or care than is otherwise provided by law. Rather, violations of this chapter are to be used solely to form the basis for departmental administrative action.

### 104.020 USE OF FORCE AND DEADLY FORCE

- A. *Before using force.*** When practical, a verbal warning should be given before using force, to communicate that force will be used if the officer's orders are not obeyed.
- B. *Using force: general.*** Officers
1. may use force only in accordance with the policies set out in this chapter, and may not ever use force as punishment or in retaliation;
  2. may use force only to the extent that it is reasonably necessary in any given situation to accomplish the officer's lawful objectives, such as making an arrest, preventing an escape, in defense of the officer or another person, maintaining order in the jail or protecting persons in custody, or other situations where physical control of another person is necessary;
  3. should be reasonable in their selection of a level of force, and should not use more force than is necessary in any situation. However, there is no requirement to use, or attempt to use, a lesser amount of force if that is not practical;
  4. will bear in mind that the proper officer response can be thought of as "use of force options" that could involve several methods of compliance. The appropriate amount of force to be used is based upon the variables of the situation encountered, such as the subject's age, size, sex, ability to escalate his use of force, skill level, background, and other known factors within the circumstance; the officer's age, size, sex, training, immediate physical condition (injuries, exhaustion); and the surrounding physical and social environment. Methods of compliance include: officer presence, verbal persuasion, directions, and commands; "soft" empty hand control and OC spray; OC projectiles; "hard" empty hand control, electronic weapons and batons; and deadly force.
- C. *Additional requirement for use of deadly force.*** The Department, recognizing the integrity of human life, authorizes officers to use deadly force against another person only when, in addition to complying with the general policies regarding use of force, the officer has no other reasonable and practical alternative, and reasonably believes deadly force is necessary
1. to save his or her own life or the life of another;
  2. to prevent serious physical injury [Ref. AS 11.81.900 (51)] to the officer or another; or
  3. because there is probable cause to believe the person has committed a felony using deadly force against another, and will immediately endanger life.
- D. *Firearms discharge.*** The Department recognizes that every shot, even an inadvertent one, poses a risk of injury. Every discharge of a firearm must be reported as provided in section 104.030, and may subject the officer to discipline.
- E. *Warning shots prohibited.*** Warning shots and shots to disable vehicles will not be fired.

- F. ***Destruction of injured or dangerous animals.*** Officers may use deadly force to destroy an animal only if the animal is a danger to themselves or others, or has suffered severe injuries necessitating its destruction. Officers destroying an animal shall do so only if it can be done without endangering others and with due care for the preservation of property.
- G. ***Other discharges of firearms.*** The Department recognizes that there may exist special circumstances which justify the discharge of a firearm not at a person, animal, or on a firing range. Officers are cautioned that every shot fired poses a risk of injury and no firearm should be discharged without due regard for the consequences of that action.

#### **104.030 AFTER FORCE IS USED OR A FIREARM IS DISCHARGED**

- A. ***Use of force must be justified.*** The Department recognizes that an officer's decision to use force must often be made in a split second and based on the minimal information then available. However, the officer's decision must be reasonable under the circumstances known at the time and may be subject to review by the department, other agencies, the courts, or the public.

It is important, therefore, that every officer using force or discharging a firearm be able to articulate the circumstances known at the time of the incident that justified the amount and nature of force used, or the discharge of the firearm.

- B. ***After force is used.*** Each officer must complete a detailed case report, and the Operations Lieutenant notified prior to going off duty if, in the performance of duty, an officer deliberately takes any of the actions listed in paragraph 1 except during training or while participating in a group operation reportable under paragraph C. A copy of the report will be forwarded through the chain of command to the Chief.

1. A detailed report must be completed if an officer:
  - a. uses more force than is normal and incidental to handcuffing;
  - b. struggles with a person;
  - c. uses a pain compliance hold;
  - d. strikes a person with a part of the officer's body or with any object;
  - e. uses, prepares to use, or threatens to use OC (spray or OC projectile);
  - f. uses, prepares to use, or threatens to use an authorized electronic weapon;
  - g. uses, prepares to use, or threatens to use a baton or another object as an impact weapon;
  - h. uses an explosive or distraction device, other than for animal or avalanche control;
  - i. intentionally collides with an occupied vehicle or vessel; or
  - j. uses, prepares to use, or threatens to use a firearm or other deadly force.
2. In this section, the phrase "prepares to use" includes unholstering a weapon (gun, baton, OC spray, etc.) with the intention of preparing to use it against a specific individual or group. Unholstering a weapon and directing it towards a specific person or group, even if that person is not aware of this action, requires a detailed report. However, conducting a building search or similar operation with an unholstered weapon where no person or group is encountered, would not be reportable (except for group operations reportable under paragraph C). It is not the mere unholstering of a weapon that triggers the reporting requirement, but the directing of that weapon against a particular person or group.

- C. *Group operations require a report.*** Operations, raids or other similar group activities where firearms are unholstered require the completion of a report detailing the circumstances. The officer supervising the operation shall file a single report listing the names of all participating officers. If an officer involved in a group operation uses (but not threatens or prepares to use) force that would be reportable under paragraph B 1, then that officer must complete an individual supplemental report documenting those actions.
- D. *Documentation required in case reports.*** If a case report is prepared covering an incident in which force was used it must include the facts that made force necessary and shall explain in detail the nature and amount of force used. It is the responsibility of the supervisor reviewing the report to insure that thorough and accurate documentation is provided.
- E. *After discharge of firearm or use of deadly force.***
1. Officers who, in the performance of their duty, have deliberately or accidentally discharged a firearm or used any form of deadly force, except while training, will immediately report the incident to their supervisor.
  2. Investigations and review of incidents in which deadly force was used or where a firearm was accidentally or intentionally discharged will be conducted in accordance with OPM Chapter 105 - Use of Deadly Force Investigation and Review.
  3. When notified of an incident described in paragraph E.1., a supervisor shall immediately notify the Chief.
  4. When notified of an incident described in paragraph E.1., the Chief will immediately select an investigation team. The investigation team will normally consist of a Lieutenant, the lead case investigator, the crime scene investigator and the rangemaster or armorer. The Chief may make such substitutions or additions to the team as the particular circumstances of the incident dictate. Additional resources or personnel may be utilized by, or assigned to the team as required.
  5. The selection of an investigation team does not relieve first responders of their responsibility to take initial investigative steps as set out in OPM Chapter 105 and to protect the scene and witnesses until the arrival of the investigative team.
  6. Investigations into the use of deadly force will be conducted as "criminal" investigations. Investigators shall comply with all Departmental policies and procedures while conducting the investigation.

#### 104.040 DEFINITIONS

***Force*** -- any deliberate bodily impact or restraint for the purpose of gaining control of a person, or the use of explosives and distraction devices even if not directed toward a person, unless used for animal or avalanche control; "force" includes use of OC, chemical agents, electronic weapons, and deadly force.

***Deadly force*** -- force used with the intent of causing, or knowing that there is a substantial risk of causing, death or serious physical injury; "deadly force" may include the use of a motor vehicle or vessel to collide with an occupied motor vehicle or vessel.

#### 104.050 OTHER WEAPONS

**A. *OC Spray.***

1. The use of OC spray is authorized for those who have successfully completed Department approved training in its use.
2. When in uniform officers shall carry the OC spray.

3. Officers carrying OC spray are responsible for performing monthly maintenance on the canister in accordance with the manufacturer's recommendations and Department training.
4. Whenever reasonable after OC spray has been used to gain control over a person, the officer should allow the person to flush their eyes with fresh water and to wash the affected skin with soap and water. If symptoms persist for more than 45 minutes after application of OC spray medical attention should be sought for the person.
5. The discharge or threat to use OC spray other than in training is considered a use of force, requiring complete documentation under section 104.030.

**B. *Batons.***

1. Prior to carrying any baton, officers must successfully complete Department approved training specific to the type of baton.
2. Officers are authorized to carry an approved collapsible straight baton at any time. When in uniform officers will carry the baton in a carrier matching the uniform belt.
3. Officers shall not carry or handle any batons in a provocative manner or unnecessarily draw attention to their presence.
4. The normal use of a baton against a person, other than in training, is considered use of force, requiring complete documentation under section 104.030.
5. Intentional full power strikes (such as swinging, round house blows, or overhead chopping blows) to the head always constitute the use of deadly force. Other intentional blows to the head may constitute deadly force depending on the circumstances.

**C. *Flashlights.*** Flashlights may not be carried as weapons and are not to be used to strike any person except as a last resort in self-defense of the officer or another.**D. *Electronic weapons.***

1. Officers who have successfully completed department approved training may be issued and use an authorized electronic weapon.
2. Only department issued electronic weapons may be carried or used by officers.
3. Barring extreme circumstances, individuals will not be shot with an authorized electronic weapon if they might fall from a high place, fall into hazardous substances or water, or be otherwise endangered during their brief period of incapacity.
4. Authorized electronic weapons will not be aimed at a subject's face.
5. Use of, or threats to use authorized electronic weapons other than in training is considered a use of force, requiring complete documentation under section 104.030.

**E. *Air powered OC projectile delivery systems.***

1. Officers who have successfully completed department approved training may be issued and use an air powered OC projectile delivery system.
2. Only department issued OC projectile delivery systems may be carried or used by officers.
3. Projectiles from air powered OC projectile delivery systems will not be targeted at a subject's throat, head, face or eyes.
4. Unless there are no other target areas presented, projectiles will not be targeted at the base of the neck or spine.

5. Following use of an air powered OC projectile delivery system against a person the person should be handled as required in OPM 104.070 A5.
  6. Use of, or threats to use, an air powered OC projectile delivery system other than in training will be considered a use of force, requiring complete documentation under section 104.030.
- F. *Miscellaneous weapons.*** Officers are prohibited from carrying or using any weapons not specifically authorized by the OPM, including:
1. saps, billy clubs, kubotai, nunchuks, and weighted gloves known as "sap gloves"; and
  2. electronic weapons other than those specifically authorized by the Department (see OPM 104.020 A4).

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## **CHAPTER 105 USE OF DEADLY FORCE INVESTIGATION AND REVIEW**

Chapter Revised 01/01/2012

### **105.010 INTRODUCTION**

Investigations of officer-involved use of deadly force incidents are frequently more complex and demanding than similar investigations that do not involve police officers. The potential social, civil, administrative, and criminal consequences of the act are profound, and may affect many parties. Both the Department and the involved officer will benefit by insuring that a complete and thorough investigation is conducted which considers the welfare of the involved officer and the sensitivity of the situation. To assure that the investigation is complete, and that the legal rights of all parties are observed, all use of deadly force investigations are treated as "criminal" cases.

Officer involved use of deadly force incidents draw considerable media and public attention. Following comprehensive, pre-established investigative procedures specifically designed for these occurrences may relieve some community concerns about the Department's ability and objectivity associated with the investigation.

One of the principal objectives of the investigation conducted into any use of deadly force by a Department member is to document and preserve all evidence and witness recollections of the incident. This careful documentation is essential if a fair and just outcome is to come from criminal, administrative, or civil actions resulting from the incident.

The investigation should not stop if criminal culpability is eliminated, as the department still carries the obligation to investigate cause, mode and manner of injury or death for other than criminal purposes; including civil litigation, insurance concerns, and to support policy and training review.

Whenever an officer uses deadly force or uses force that results in serious injury to a person the circumstances surrounding the use of deadly force will be thoroughly investigated as required by OPM Chapters 104 and 208.

### **105.020 PROCEDURES FOR USE OF FORCE INVESTIGATIONS**

These guidelines shall be followed by officers charged with the investigation of the use of deadly force, and of managers having oversight of such investigations. Deviations from these investigative guidelines, where dictated by the circumstances of the incident or where required for the orderly operation of the Department, must be justified.

**A. *Immediate action upon notification of incident.*** An officer or supervisor who becomes aware of an incident involving the use of deadly force by a member of the Department shall assure that the following actions are immediately taken:

1. Evaluate and insure scene security.
2. Summons necessary medical assistance.
3. Evaluate and coordinate additional personnel and special equipment if needed.
4. Locate and identify witnesses.
5. Provide for the safety and security of the subject and the officer.
6. Insure appropriate Department supervisor notifications.
7. If the officer discharged a weapon, seize and replace it with another weapon after the scene is secured. Maintain custody of this weapon in the condition seized and protect for fingerprints and its forensic value.
8. Insure witness detainment and separation (including police officers).
9. Unless instructed to the contrary, the on-scene commander will carry out the above steps and assure scene security and witness separation until the designated investigator arrives, is briefed, and takes command.

- B. *Scene investigation procedures.*** Some of the investigative steps in this section may require waivers or search warrants to assure the legal admissibility of any evidence obtained. If the investigator has any questions concerning the search and seizure implications of an investigative step, the Department of Law should be contacted for advice before proceeding.
1. Insure an adequate number of investigative personnel are at scene, or are enroute.
  2. Insure District Attorney informed of the incident.
  3. Insure Coroner/Magistrate advised if required.
  4. Insure notification of next of kin.
  5. Insure legality of scene search by written waiver or search warrants.
  6. If a suspect or victim is shot or injured, have an officer respond to the medical facility with the suspect/victim and seize the suspect/victim's clothing.
  7. Insure the suspect/victim has blood and urine drawn either through medical procedures, written waiver or search warrant for blood alcohol and toxicological screen.
  8. Photograph injuries sustained by victim(s) and/or suspect(s).
  9. Insure the scene is photographed.
  10. Insure the scene is video taped.
  11. Complete witness interviews at the scene, if possible.
  12. Insure any vehicles involved are seized and secured.
  13. Insure immediate area canvas.
  14. Conduct neighborhood canvas.
  15. Insure physical evidence at the scene is identified and collected.
  16. Insure a chain of custody of evidence is maintained.
  17. Insure original Dispatch recordings and Dispatch logs are seized and secured.
  18. Have copies of all original Dispatch recordings made and transcribed.
  19. Insure original 911 recordings and 911 logs are seized and secured.
  20. Have copies of all original 911 recordings made and transcribed.
  21. Insure the scene is completely measured and a diagram constructed.
  22. Coordinate on-scene media relations. (Press Releases of information will be coordinated and approved by the Chief before any releases are made).
  23. Coordinate on-scene briefings and inform supervisors of case progress.

- C. *Involved officer interview/investigation procedures.*** All officers directly involved in a use of deadly force incident will be treated in the following manner:
1. After other officers secure the scene, the involved officer will be relieved from the scene to respond directly to an indicated location to provide further assistance to the investigators.
  2. The investigator will conduct a tape-recorded interview with the involved officer regarding the circumstances surrounding the use of deadly force. To insure the voluntariness of an interview with the officer-involved, the investigator shall make the following advisement to the officer:  
  
"Do you understand that you are not in custody, and are free to discontinue this interview at any time?",  
and  
  
"Do you understand you are not obligated to talk to me?"
  3. The involved officer will be photographed in the clothing attire worn during the use of deadly force.
  4. Photograph any injuries to the involved officer.
  5. Seize the involved officer's clothing, shoes, vest and leather gear, if deemed necessary for evidentiary value and retain until all litigation and personnel actions are completed.
  6. Coordinate with involved officer and obtain a written waiver for the collection of blood and urine for blood alcohol and toxicological screen.
  7. Conduct a scene re-enactment with involved officer(s) and video tape re-enactment.
- D. *Employee support procedures.***
1. The Department will designate an individual to explain to the involved officer what will happen during the next few hours and why, so he does not take the investigation as a personal attack. The officer should remain with a supportive individual and have some recovery time before detailed interviewing begins. (To avoid legal complications, the situation should not be discussed prior to the preliminary interview.)
  2. When death or injury results, the Department will assign the involved officer to "administrative" leave for a minimum of three days following the use of deadly force. The officer who used deadly force will be required to meet with a psychiatrist selected by the Department and receive a "fit for duty" evaluation prior to return to normal duty.
  3. An involved officer's name will not normally be released to the media by the Department for a 24-hour period following the incident. After 24 hours the name of the involved officer(s) will be released by the Chief's office.
  4. An officer involved in the use of deadly force may wish to meet with other individuals, counselors, chaplain, or stress debriefing groups; however at no time shall such meetings interfere with the on-going investigation. No guarantee that such conversations will remain confidential can be made.
  5. If the officer is not injured, either he or the Department should contact his family as soon as possible with a phone call or personal visit to let them know about the incident. If the officer is injured, a Department member known to the family should pick them up and drive them to the hospital. Call friends, chaplain, etc., to make sure they have support.
  6. Personal concern and support for the officer involved in the shooting from a high-ranking officer, communicated face to face, goes a long way toward alleviating future emotional problems. The administrator does not have to comment on the situation or make any premature statements regarding legal or internal affairs matters but can show concern and empathy for the officer during the very stressful experience.

7. All Department employees involved in the incident, either at the scene or in support roles (dispatchers, supervisors, etc.) should attend a critical incident stress debriefing as outlined in OPM Chapter 114 within 72 hours. While this can be a group session, the officer(s) who did the shooting may or may not want to be included in the group debriefing, as actually doing the shooting creates different emotional issues. Follow-up sessions for other personnel involved in the shooting may be appropriate.

### 105.030 FIREARMS AND DEADLY FORCE INCIDENT REVIEW BOARD

- A. **Appointment of review board.** Following the investigation of an incident where, in their performance of duty, an officer has deliberately or accidentally discharged a firearm, except while training or shooting an injured animal, or used any form of deadly force, the Chief will appoint a three member review board, unless the Chief determines that a review board is not warranted, such as when
  1. criminal charges will be filed against the officer;
  2. there are other on-going investigations by other agencies, e.g., human rights investigations, civil rights investigations, federal investigations;
  3. the officer has been exonerated at a death inquest or grand jury, and testimony showed no violation of Department policy; or
  4. criminal charges were filed against the person fired upon and testimony at a resulting trial showed no violation of law or Department policy by the officer..
- B. **Selection of board members.** Board members shall be selected as follows, and will receive a memorandum of appointment from the Chief:
  1. One member, designated as chairman, selected by the Chief;
  2. One member selected by the chairman (if practical, from a different unit); and
  3. One member selected by the officer under review. If more than one officer is under review by a single board, the third member of the board must be selected by all officers under review. If the officers cannot agree, they shall each select an officer, who will then consult to select the third member.
- C. **Review of incidents involving multiple officers.** Incidents involving the use of deadly force by multiple officers may be reviewed by a single board, however, the board shall make separate findings of fact and conclusions for each officer involved.
- D. **Board responsibilities.** The review board will determine if the officer discharged a weapon or deliberately used deadly force, and if that action was justifiable under this chapter. The board also shall review existing Department policies, procedures, and operations that may have affected the incident under review and shall make its conclusions known in its final report.
- E. **Notices required prior to hearing.** The chairman shall promptly, and at least 24 hours before the time set for the board's hearing:
  1. notify the officer in writing of the circumstances to be investigated by the board,
  2. notify the officer of the name, rank, and command of the chairman and the board members; and
  3. if it appears a criminal violation has occurred, advise the officer of his Miranda rights.
- F. **Review Board hearing protocol.** The following rules will apply to hearings conducted by the Review Board:
  1. All board proceedings, except the deliberations of the board, shall be recorded electronically.

2. The technical rules of evidence do not apply to board proceedings. However, the chairman shall rule on questions of evidence, and determine whether documents, testimony, or other evidence will be excluded because of lack of reliability, delay, waste of time, or because it is cumulative.
3. The chairman will read into the record:
  - a. the appropriate section(s) of the OPM and/or statutes that may apply to the circumstances;
  - b. each board member's memorandum of appointment; and
  - c. the name of each person present.
4. The officer under review may be present during the questioning of witnesses. The officer is also entitled to representation at the proceeding from one other person, either a representative of the officer's bargaining unit or the officer's attorney.
5. All witnesses:
  - a. will be required by the chairman to take an oath to swear or affirm that the testimony given in the proceeding is the truth;
  - b. may be called by the chairman or the officer;
  - c. may be questioned by members of the board;
  - d. may be questioned by either the officer or the person representing the officer, but not both;
  - e. may not be asked off-the-record questions;
  - f. except for the officer under review, will be excluded except while giving testimony;
  - g. shall remain available for recall; and
  - h. will normally be called to appear in person before the board, however the chairman may allow a witness, except the officer under review, to testify telephonically or by deposition to avoid delay or undue expense.
6. The officer may call any witnesses having pertinent information bearing on the particular incident. The chairman may ask the officer to provide a summary of the witness testimony to determine whether it will be pertinent. If the chairman decides not to consider the testimony of a witness, the officer will be given an opportunity to indicate for the record what the witness would have said if allowed to testify.
7. Following the proceeding, the officer under review will be given an exact copy of any recording, or a certified transcript, of the officer's testimony in the proceeding.

**G. *Review Board conclusion.*** Review Board Conclusions.

1. After hearing testimony and receiving evidence, the board will meet in closed session to discuss the evidence.
2. Each member of the board will send to the chairman a memorandum containing their findings of fact, their conclusions as to compliance with policy for each officer involved, and an explanation of any aggravating or mitigating factors.

**H. *Review Board report.*** The chairman shall send to the Chief a report containing:

1. The authority to convene the board;
2. A copy of all reports, photos, diagrams, and other documentary evidence considered by the board;
3. A transcribed copy or a complete tape recording of the board proceedings;

4. Each board member's report on findings of fact and conclusions; and
5. Any recommendations by the board to examine or change policy, procedure, or training.

**I. *Chief's actions following review of board report.***

1. The Chief will review the board's report and will take appropriate action, either accepting or rejecting the board's conclusions, or the conclusions of one of the members, or sending the matter back to the board for further action. The Chief may take disciplinary action if warranted. Any action by the Chief will be made in writing and will contain the reasons supporting the action.
2. The officer under review will be notified of the Chief's action by the most expeditious method available. If the original notification is other than written, a written communication will be provided by certified mail.
3. If the Chief finds that the officer's conduct was justified as being in compliance with Departmental policies and procedures, no material or report will be placed in the officer's personnel file.
4. The Chief will inform the City Administrator of all findings and the action resulting from these findings.

**105.040 ATTACHMENTS**

**A. *Use of Force Incident Investigation Checklist***

**B. *State of Alaska Department of Public Safety Directive T-2010-04 dated June 14, 2010 (6 pages)***

# USE OF FORCE INCIDENT INVESTIGATION CHECKLIST

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_ Case Number: \_\_\_\_\_

Officer(s) Involved: \_\_\_\_\_

Non-Department Subject: \_\_\_\_\_

## A. Immediate Actions:

- 1. Ensure scene security.
- 2. Summon needed medical assistance.
- 3. Evaluate need for assistance or special equipment.
- 4. Locate and identify witnesses.
- 5. Assure safety of officer and subject.
- 6. Make supervisor notifications.
- 7. Seize and replace any weapon discharged. Preserve as evidence.
- 8. Separate and retain any witnesses, including officers.
- 9. Protect scene and witnesses until investigator takes command.

## B. Scene investigation procedures:

- 1. Assure adequate investigators are on scene/enroute.
- 2. Advise and inform District Attorney.
- 3. Advise Coroner/Magistrate if required.
- 4. Notify next-of-kin of any persons injured.
- 5. Obtain search warrant or waiver for scene if required.
- 6. Accompany injured victim to hospital, seize clothing.
- 7. Obtain suspect/victim blood and urine by waiver or search warrant.
- 8. Photograph injuries to suspects or other victims.
- 9. Photograph scene.
- 10. Videotape scene.
- 11. Conduct witness interviews at scene.
- 12. Seize involved vehicles.
- 13. Conduct area canvas.
- 14. Conduct neighborhood canvas.
- 15. Identify and preserve physical evidence.
- 16. Insure evidence chain-of-custody.
- 17. Seize Dispatch recordings and logs.
- 18. Transcribe copy of dispatch recordings.
- 19. Seize 911 recordings.

- 20. Transcribe 911 recordings.
- 21. Measure and diagram scene.
- 22. Coordinate on-scene media relations. (Press releases to be approved by Chief.)
- 23. Brief supervisors on investigation.

## C. Involved officer interview/investigation procedures:

- 1. Involved officer removed from scene.
- 2. Interview of involved officer by investigator. Provide admonishment:  

"Do you understand that you are not in custody, and are free to discontinue this interview at any time? Do understand you are not obligated to talk to me?"

- 3. Photograph officer as dressed during incident.
- 4. Photograph injuries to officer.
- 5. Seize officer's clothing, shoes, vest, and leather gear as needed for evidence.
- 6. Obtain blood and urine from officer by waiver, if possible, or court order if required.
- 7. Conduct videotaped re-enactment.

## D. Employee support procedures:

- 1. Department employee designated to stay with officer, explain procedures, and provide support.
- 2. Officer assigned to minimum 3 days "admin" leave.
- 3. Officer must have psychiatric "fit-for-duty" evaluation prior to return to duty.
- 4. Involved officer(s) names withheld from media for 24 hours.
- 5. Officer may meet with counselors, chaplains, CISD team, etc.
- 6. Officer should contact family to advise them of incident. If officer injured, Department shall transport to hospital, contact friends, family, or clergy for support.
- 7. Ranking administrator should make face-to-face contact with involved officer.
- 8. All involved in incident should attend CISD within 72 hours.



**STATE OF ALASKA**  
**Department of Public Safety**  
**MEMORANDUM**



**To:** All DPS  
**Date:** June 14, 2010  
**From:** Colonel Audie Holloway, AST  
Colonel Gary Folger, AWT  
Director Dave Tyler, FLS  
**File Number:** Directive T-2010-04  
**Subject:** Use of Deadly Force Investigation  
**Telephone:** 907-269-5641

**Use of Deadly Force Investigations -Officer Involved**

**Post Incident Interactions Between Involved Officer, Investigators, and Administration**

The intent of this document is to describe the concern of the Department for the correct and professional treatment of the involved officer(s) and the actions that must occur to fulfill the requirements of law and the mission of the Department. The Department intends to be fully supportive and hold in high regard an officer who has put their life at risk due to the professional requirements of the job. The officer and the public deserve the most professional and thorough investigation possible following a deadly force incident. The Department respects and appreciates the difficulties and the scrutiny that an officer who has had to use deadly force must endure to reassure the public that the actions taken by the officer were necessary. The Department also realizes the consequences that may result if the officer hesitates because of a concern by the officer that their actions will not be reviewed under the same circumstances that the officer faced at the time of the incident.

These following sections are not excised verbatim from the OPM. This is meant as a generalized quick reference guide with the most common actions described in a single, concise document. These situations are always unique and will always require judicious application.

There are some significant differences between this document and the OPM/SOP until the OPM is updated to reflect the changes. This document is approved by Colonel Holloway, Colonel Folger, and Fire Marshal Dave Tyler with the concurrence of Commissioner Masters.

**AT THE SCENE**

In the immediate aftermath of a deadly force incident, supervisors, officers in charge, and/or investigators may ask general on-the-scene questions to establish an understanding of events and any continuing risk to the public at large. This may include a brief non-compelled description from the involved officer as to locations, movements, actions of the participants, any necessary information which gives direction to the scene investigation or leads to the recovery of evidence or evidentiary documentation, or recollection of essential details which may be otherwise overlooked or quickly forgotten. This should include information such as:

- a. Needed medical attention
- b. Number of suspects and any still at large

- c. Physical descriptions of suspects
- d. Direction of suspect flight
- e. Suspect weapons involved
- f. Involved vehicles and descriptions
- g. Location of wounded/dead suspects
- h. Scene parameters
- i. Scene ingress and egress

The on-scene questions will not become an in-depth interview and will only include enough information to give direction to the scene investigation, enhance scene security, and protect the public. The "on-the-scene questions" will not include, nor will investigators, responding officers, or command staff solicit motives or specific details of the involved officer's actions unless criminal conduct on behalf of the involved officer is strongly suspected. The solicitation of specific details should be reserved for the formal interview. The on-scene questions may be audio-recorded for the investigator's notes. The DPS investigators will not conduct video recreations or video a "walk-through". The on-scene questioning may not be necessary and should not be conducted if other adequate information from the scene or other witnesses/officers is available. While it may be a fine line to walk, the investigator will keep in mind that the involved officer(s) have all the rights of any citizen and should be treated, unless the investigation indicates otherwise, as a victim and witness.

All involved officers will be advised not to discuss the incident with other involved officers or witness officers until after formal interviews are conducted. An officer involved in a deadly force incident should be relieved from the scene as soon as possible. If the involved officer is injured, the officer should be immediately transported to a medical facility. Another officer or supervisor should accompany the injured officer.

At the officer's request the Department will attempt to contact the appropriate bargaining unit so that a representative may be made available to the officer.

## **NOTIFICATION AND IMMEDIATE OFFICER AND FAMILY SUPPORT**

- 1) Family notification. DPS will ensure the involved officer(s) has an opportunity to contact their family or offer to make notification for them in such a way that the family is not traumatized by the notification. If the officer is injured and cannot make the notification or give direction as to notification, a command officer will determine the best method of family notification. Command will make family notifications a high priority to ensure that the family is notified by the Department and not through the media or other well-intentioned friends or representatives. As a reminder, personal notification is best.
- 2) Support officer. As soon as possible, the commander of the involved officer(s) or a supervisor in the absence of the commander will designate a Department employee to function as a support officer. The involved officer will have a great deal of input as to the selection of the support officer. If multiple officers are involved, the commander will determine the best option for either a single or multiple support officers. The support officer's only mission will be to stay with the involved officer, explain procedures, and provide support. The support officer will act as liaison when needed between the involved officer and command. Command will impress upon the support officer the importance of his assignment. The support officer will not have any ultimate authority as to the direction of the investigation so as to remain completely neutral and supportive, but will be able to provide suggestions to Command and Investigators regarding timing of actions and requests as well as the physical and mental condition of the involved

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officer. Command will provide the involved officer with a copy of this directive so the officer will understand the investigative process.

- 3) Upon the involved officer's request, he/she shall be afforded the opportunity to consult with their labor bargaining unit without undue interference from anyone.

## **EVIDENCE**

- 1) Photographs. The involved officer will be photographed as dressed during the incident. Any injuries to the officer should be photographed at the scene if possible and also at the medical facility.
- 2) Seizures. Only that clothing or parts of the uniform or other equipment needed for evidence should be seized. This may include weapon, badge, audio recorder, etc. The reason for seizure will be explained to the involved officer.
  - a. If it is anticipated that the case may be criminal against the officer in any manner, a search warrant based upon probable cause will be obtained to seize blood and urine. A search warrant will not be sought for the involved officer's blood and urine if there is no indication of criminal wrongdoing. In the case of blood and urine seized by search warrant, the samples will be submitted to the SOA Crime Lab in the usual manner.
  - b. If there is no suspicion of criminal acts, officers involved in deadly force incidents will be ordered to provide samples of blood and urine for the later Department internal review. This will trigger "Garrity" protection for the involved officer and will indicate that this is an administrative seizure only. The blood and urine will be seized by a supervisor at a medical facility and will be sent to Office of Professional Standards (OPS). OPS will facilitate the testing of the blood and urine at a licensed medical facility. The blood and urine will be tested in every instance of administrative seizure. The results will be provided to the Director's Office to be used in the Formal Command Review Stage (Step 3).
- 3) Equipment replacement. Any seized uniform part, weapons, or equipment will be replaced as soon as possible. The designated support officer will liaison with administration to ensure this occurs in an expeditious manner. The duty weapon will be replaced at the scene if all possible. Except in medical situations, the officer will not leave the scene unarmed.
- 4) Formal interview. In most cases, a formal in-depth interview will not be conducted with the involved officer for at least 48 hours, unless the involved officer desires an earlier interview. The involved officer may also request that the formal interview take place later than 48 hours following the incident. The involved officer will be afforded all the constitutional rights and privileges of any citizen.
- 5) The involved officer will not be compelled to provide an interview or to write a report during the criminal investigative stage. The involved officer will not be asked or directed to sign a "Garrity" waiver. The involved officer will be advised that he/she can contact and/or have an attorney present or seek outside advice. Unless the involved officer is in custody, he/she will not be given a Miranda Warning. If subsequent interviews or questioning is required by the investigators, notification will be made to the officer in

writing (includes email with receipt) with at least 48 hours notice, unless probable cause has been established that the officer may have committed a crime.

- 6) Treatment during formal interview. The use of deadly force is a traumatic event for the officer(s) and their family. The Department will do everything possible to prevent any feelings of anxiety or unease. During the investigation and interview, the involved officer will be treated professionally, respectfully, and with the regard due to one who has had to use deadly force while carrying out their professional responsibilities. The involved officer will be allowed an opportunity for rest periods and will not be interviewed under stress or fatigue. The officer will be treated with the same professional demeanor as any other victim/witness. If the investigation reveals that the involved officer has committed a crime or has deliberately lied, other interview techniques may be employed. This change in interview techniques requires notification and permission of the Alaska Bureau of Investigation commander or his designee. The Alaska Bureau of Investigation commander will make notification to the Director's Office if this is considered necessary.

### **POST-INCIDENT OFFICER SUPPORT**

- 1) Administrative leave. The involved officer will immediately be afforded three days of administrative leave from regular duties in order to seek support and/or counseling services and to adjust to the circumstances of the deadly force incident on a personal and familial level. During the administrative leave period the officer(s) will be required to provide the Department with contact information, however, the Department will make every effort not to contact the officer regarding the deadly force incident or ongoing investigation. The involved officer's name will not be released to the public or media for three days following the deadly force event.
- 2) Confidential mental health consultation. The involved officer will be required to attend a post-incident consultation with a mental health professional within 7 days if at all possible. The Department will provide the officer with a list of qualified professionals. The officer may choose anyone from the list or a qualified professional of his own choosing. The qualifications will be a licensed mental health professional trained to work with law enforcement personnel. The Department will pay for this consultation. The post-incident consultation is a privileged communication between the mental health professional and the officer involved. This will not be a complete psychological battery of tests as during the hiring process. The only requirement from this consultation to the Department will be a notification if the officer is reacting abnormally in the aftermath of the deadly force event along with a bill for services. The Department will also pay for a follow-up consultation. The officer may also be advised of other mental health assistance services through the State EAP and will be encouraged to seek out any services the officer feels is necessary for his/her mental health. The decision to seek further mental health assistance is a sign of maturity and the professional recognition that the use of deadly force can cause unseen stresses upon an officer. In no case will the decision to seek further mental health assistance on behalf of the involved officer be perceived in a negative manner by any employee of the Department.
- 3) Fit-for-duty evaluations. Mandatory fit-for-duty evaluations will only be required if the involved officer exhibits signs of abnormal stress or aberrant behavioral actions that affect his performance or cause concern for the officer's safety. Supervisory and command staff will be required to justify this action to the director's office. If justified, the officer will be required to see a doctor of the Department's choosing and the exam will be paid for by the Department. The doctor will let the department know in writing if the

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trooper is fit for duty. If the doctor determines the officer is not fit for duty the doctor will provide the following additional information to the department.

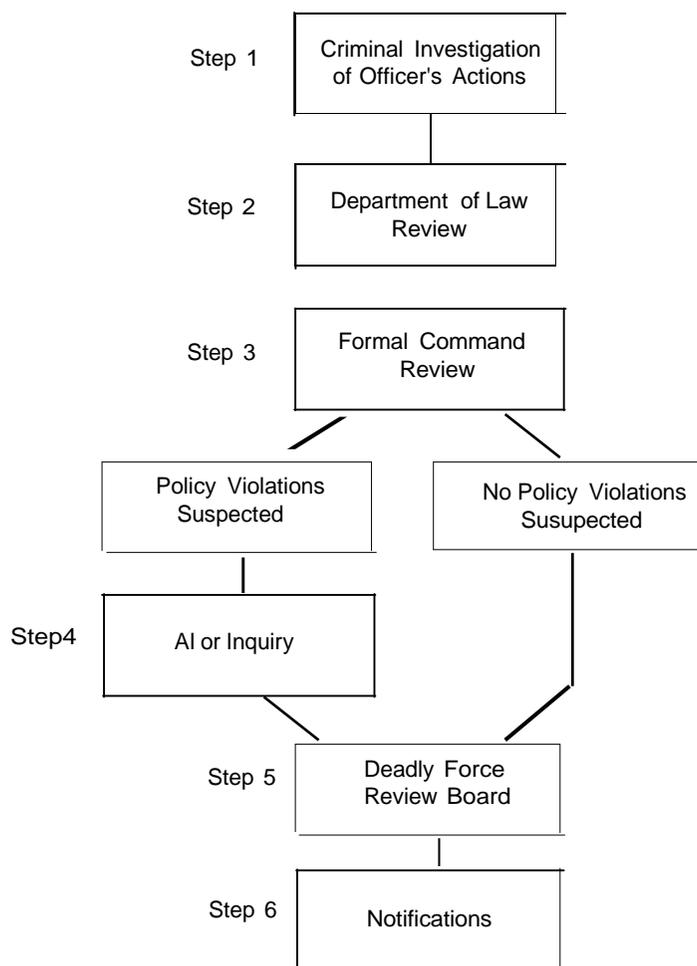
- a. The prognosis of when the officer will be able to return to full duty.
  - b. Whether the officer is able to perform limited duty.
  - c. A determination that the condition is or is not work-related.
  - d. A recommendation for re-integration to the work force.
- 4) Critical incident stress debrief. A critical incident stress debrief (CISD) will be conducted by qualified and trained personnel after investigators have conducted initial formal interviews. All efforts will be made to conduct the CISD within 72 hours. This is a voluntary participatory action and is not the same as a tactical debrief. The CISD should not include the officers that used deadly force in the incident nor should specific information about the event be disclosed. The purpose of the CISD is to allow all other involved employees to express and share feelings and emotions about the incident in general as they cope with the aftermath.

## **OVERALLPROCEDURALSTEPS**

- 1) Completion of the Criminal Investigation of the Officer's Actions. A thorough investigation is in the best interest of the involved officer and the Department and is expected by the public. Investigators and Command will ensure that a complete and professional investigation is conducted of the involved officer's actions. This portion of the criminal investigation will be completed as soon as possible and is not contingent upon the conclusion of the entire criminal investigation.
- 2) Department of Law Review. After the investigation of the involved officer's action is completed, the information will be submitted to the Office of Special Prosecutions and Appeals (OSPA) for review to determine the legality of the officer's actions. The involved officer may be exonerated, may be charged with a crime(s), or not charged due to lack of evidence.
- 3) A Formal Command Review will be initiated by the Director's Office and may consist of the Director, Deputy Director (s), the Commander of ABI, and senior staff or designees. This review will determine if any policy violations by the involved officer are suspected. If policy violations are suspected, an AI or Inquiry may be initiated (Step 4). If an AI or Inquiry is conducted, the case will be presented to the Force Review Board after the review and conclusion of the AI or Inquiry. If no policy violations are suspected, the case will be presented directly to a Force Review Board (Step 5). Absent unusual circumstances, it is expected that this review will be completed within 14 days from receipt of the written OSPA review and forwarded to the next appropriate step. The employee will be formally notified as to any outcomes, decisions, or determinations to date.
- 4) Administrative Investigation. If the officer involved is charged with a crime or suspected of a crime or policy violation, an Administrative Investigation (AI) will be opened and may be held in abeyance until the criminal investigation and prosecution is completed. The AI may also be held in abeyance if prosecutorial action is being taken against another party involved in the case.
- 5) Force Review Board. A Force Review Board will be convened in every case of the Use of Deadly Force. The intent of the Board is to determine if policies, training, and tactics

were appropriate and correct. The Board may also make recommendations for commendations of the involved officer's actions. The Board is not an investigative entity to uncover policy violations by the involved officer. If policy violations are suspected, the Board will return the case to the Director's Office with an explanation. The process will begin again at the Formal Command Review stage (Step 3). Absent unusual circumstances, the Board will be expected to conduct the hearing and reach written conclusions within 30 days from date of assignment.

- 6) Notifications. Officers involved in deadly force incidents will be notified in writing of the status of the investigations and decisions within 15 days of the official decision being reached. During any step in the process, involved officers may contact the director's office or the support officer for status updates or to ask questions about the investigation or review process.



## CONCLUSION

The purpose of this document is to explain a very complicated and difficult process. Not only does the Department have to satisfy the requirements of law, but investigations of this nature must be transparent to the public in order to maintain trust. The Department must also balance the constitutional rights of the individual with the professional requirements of an employee.

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## CHAPTER 106 UNIFORM

Chapter Revised 01/01/2012

### 106.010 INTRODUCTION

- A. ***Department to supply uniforms and equipment.*** The City shall provide commissioned members, Jailers, the Traffic Officer, Multi-Services Officer, the Animal Control Officer, Dispatchers, and the Police Technician with standard uniforms and equipment necessary to carry out their duties. All issued property shall remain the property of the City.
- B. ***Chief to prescribe necessary uniforms.*** The Chief will prescribe the uniform for members of the Department.
- C. ***Service without uniforms.*** The Chief may direct a commissioned member to serve without wearing a uniform.

### 106.020 GENERAL APPEARANCE STANDARDS

- A. ***Standards of Appearance.*** All officers on duty shall wear uniforms or other clothing in accordance with established department procedures. Brass, belts, shoes, uniform shirts and pants, and equipment must be clean and cared for properly. Except when acting under proper and specific orders from a superior officer, officers on duty shall maintain a neat, well-groomed appearance and shall maintain their hair according to the following standards: Natural hair must be clean, neat, and combed. Hair must not extend below the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The bulk or length of the hair must not interfere with the normal wearing of all standard headgear. Wigs or hairpieces may be worn if they conform to the above standards for natural hair. Sideburns must be neatly trimmed and may not extend below a line drawn from the bottom of the ear to the bottom of the nose. Sideburns may not exceed 1 & 1/2" in width. Officers must be clean shaven. However, a mustache may be worn if it does not extend below the upper lip or more than 1/2" beyond the corners of the mouth.
- B. ***Non-uniformed attire.*** Officers, while on-duty or while attending training or other official functions when not required to be in uniform, will wear appropriate conservative business attire. Supervisors may make exceptions for undercover assignments or for activities such as physical training or other assignments where neither uniform nor business attire is appropriate.

Civilian employees, while on-duty or attending training or other official functions, will wear clothing appropriate to the activity. Employees having contact with the public or acting as a department representative to other agencies or governments shall wear attire that presents a professional image.

### 106.030 UNIFORM ADMINISTRATION

- A. ***Issuance of uniforms.*** Uniforms issued to officers will be receipted on the appropriate property transfer forms. Supervisors may authorize replacement of uniform or equipment items following the annual inventory or whenever an item becomes unserviceable due to damage or normal wear. Such replacement uniform items will be ordered in the normal manner.
- B. ***Surrender of uniforms upon termination.*** Upon separation of service, all issued equipment not expended or otherwise accounted for shall be returned to the Department in a serviceable and clean condition. A receipt shall be issued by the receiving station.
- C. ***Annual uniform inventory required.*** Officers are required to complete a uniform/equipment inventory on an annual basis.

**106.040 WEARING OF THE UNIFORMS - GENERAL**

- A. ***Compliance with policies required.*** Each employee shall comply with policies pertaining to uniform attire.
- B. ***Changes to uniforms prohibited.*** No alteration of design is permitted and nothing may be displayed or worn on the uniform except as prescribed in this chapter.
- C. ***Off-duty wear of uniforms prohibited.*** No uniform or part of the uniform may be worn by officers or civilian employees while off duty or on leave. The Chief may authorize exceptions.
- D. ***Off-duty commissioned officer may use certain equipment.*** Fully commissioned officers may carry their issue or other approved handgun, credentials, handcuffs, OC spray, asp baton, or similar personally assigned equipment while off duty. Any officer armed while off duty must carry credentials. While in public, weapons or equipment will be carried concealed and OC spray canisters without built in discharge safety mechanisms will be carried only in holsters so equipped.
- E. ***Similar uniforms required.*** Two or more officers appearing in uniform, in public, shall wear the same style uniform.
- F. ***Officers to wear uniform of the day.*** The Operations Lieutenant is authorized to designate the uniform of the day. Personnel in uniform shall dress according to the uniform of the day.
- G. ***Replacement of soiled uniforms.*** Uniforms, equipment, or civilian attire which becomes badly soiled, torn, or otherwise ruined during official Department activities may be cleaned, repaired, or replaced at the expense of the Department upon prior written approval of the Chief.
- H. ***Stitching standards for cloth patches and insignia.*** Stitching used to attach patches and cloth insignia to uniforms shall be neat, shall firmly attach the entire perimeter of the patch, and shall match the color of the portion of the patch stitched.
- I. ***Uniform brass, duty gear, and footwear to be clean and polished.*** Brass worn with the uniform shall be clean and shined. Uniform duty gear will be kept clean, the leather polished, and any brass buckles or snaps will be shined. Footwear meeting the specifications in Section 106.180 (A) shall be clean and polished.
- J. ***Wearing of sunglasses.*** Sunglasses of conservative size, color, and design may be worn with the uniform. Mirrored sunglasses are prohibited. Sunglasses shall be removed while indoors during conversations with the public or a supervisor.
- K. ***Taps on shoes prohibited.*** Other than traction studs on winter footgear, no taps or cleats may be placed on the heels or toes of boots or shoes worn with the uniform.
- L. ***Mixing types of uniforms prohibited.*** The mixing of different style uniform parts is prohibited.
- M. ***Hands not to be put in pockets.*** Uniformed personnel will refrain from putting their hands in their pockets when contacting the public except as necessitated by inclement weather conditions.
- N. ***Wearing of gloves.*** Officers are not to wear ventilated or finger-less gloves when contacting the public. Officers may wear plain black leather gloves during cold weather or appropriate arctic gloves, mittens, or gauntlets in severe weather conditions. When engaged in frisking subjects or conducting searches officers are permitted to wear blood borne pathogen or sharps resistant gloves (e.g. kevlar gloves). Such gloves are not to be worn during routine contacts with the public.
- O. ***Equipment to be provided by officer.*** Officers shall equip themselves with the following:
  - 1. a time keeping device of reasonable accuracy; and
  - 2. footwear, with socks, appropriate to the apparel worn or meeting the uniform standards set out in this Chapter.

### **106.050 DISPATCHER UNIFORM**

Dispatchers are issued uniform shirts each year. These will be worn as directed by the Dispatch Supervisor. Dispatchers will present a professional image to the public at all times when on duty.

### **106.060 ANIMAL CONTROL OFFICER UNIFORM**

Unless a different uniform of the day has been specified by the Support Services Lieutenant, the normal duty uniform for the Animal Control Officer is:

1. Uniform shirt with collar brass, patches, breast badge, name tag, ribbons;
2. Uniform pants and [Ref. OPM 106.130];
3. Uniform shoes with black socks or winter footwear [Ref. OPM 106.150];
4. Jacket with patches [Ref. OPM 106.090];
5. Duty belt with required equipment;
6. The color of the Animal Control Officer's uniform pants, shirt, and jacket is brown.

### **106.070 JAILER UNIFORM**

Unless a different uniform of the day has been specified by the Support Services Lieutenant, the normal duty uniform for the Jail Officer is:

1. Black Polo shirt with embroidered breast logo;
2. Khaki pants and [Ref. OPM 106.130];
3. Uniform shoes with black socks or winter footwear [Ref. OPM 106.150];
4. Jacket with patches [Ref. OPM 106.090];
5. Duty belt with required equipment.

### **106.080 POLICE OFFICER DUTY UNIFORM**

Unless a different uniform of the day has been specified by the Operations Lieutenant, the normal duty uniform for officers is:

1. Uniform shirt with collar brass, patches, breast badge, name tag, rank insignia, ribbons, IDU or Fit-for-Duty insignias, [Ref. OPM 106.110];
2. Uniform pants and black belt [Ref. OPM 106.130];
3. Uniform shoes with black socks or winter footwear [Ref. OPM 106.150];
4. Cruiser jacket with patches [Ref. OPM 106.090];
5. Duty belt with required equipment [Ref. OPM 106.120]; and
6. Ballistic vest. [Ref. OPM 106.100]

**106.090 CRUISER JACKET**

Cruiser jackets shall have shoulder patches located on the centerline of the sleeve 1/2" below the shoulder seam.

**106.100 BALLISTIC VESTS**

- A. *Uniformed officers to wear ballistic vest.*** Ballistic vests will be worn by all on duty uniformed police officers. Ballistic vests will be worn under the uniform shirt or in an approved outer shell. Administrative staff may be exempt with approval of the Chief of Police.
- B. *Ballistic vests to be worn when making arrests.*** Non-uniform personnel are to wear ballistic protection when making arrests or engaging in hazardous contacts. This ballistic protection may be in the form of the issue vest worn under the shirt or in an approved carrier, or other ballistic protection approved by the officer's supervisor.
- C. *Wearing of ballistic vest shells.*** Police officers may wear the ballistic vest in external vest shells or carriers from approved suppliers. The department will provide carriers for officers.
1. Loomed badges will be centered on the left chest of the vest in the same position as the badge appears on the uniform shirt.
  2. The officer's last name will be embroidered in 3/8 inch, uppercase block letters to the vest or to a cloth name tape. The name will be centered on the upper right chest on the same horizontal line as the bottom of the badge. .
  3. No other decoration or insignia are allowed on the carrier.
  4. The uniform shirt shall be worn with the collar extending on the outside of the carrier.
  5. The vest carrier must present a neat appearance and may not be worn if soiled, worn, ill-fitting, or unkempt.
  6. The vest carrier may be removed while officers are working in the office.
  7. Vest carriers approved by the department will: be black in color; have a vertical zipper on outside front, for internal access; have two pleated pockets (one centered on each side of the chest); the left pocket will have a pen pocket on the inside edge; may include a tab for handheld radio microphone placed at the discretion of the officer; have two open pouches at the bottom of the carrier, each pouch will be approximately three to five inches deep, and will run horizontally from the center zipper, along the bottom of the carrier to the end of the front panel (each officer, at their discretion may sectionalize the bottom pouches with discrete vertical stitching).
- D. *Replacement of ballistic vests.*** Based on the manufacturer's recommendation, ballistic vests should be replaced after five years of regular wear. Officers who wear the vest on infrequent occasions should retain their vests until an equivalent amount of wear has accumulated or the vest is replaced for other reasons.

**106.110 POLICE OFFICER UNIFORM SHIRTS****A. *Long sleeve uniform shirt.***

1. Long sleeve shirts will be worn with a clean black or navy crew neck T-shirt and metal badges. No chains or jewelry will be visible around the neck.
2. SPD shoulder patches will be centered on the crease of both sleeves 1/2" below the shoulder seam.
3. Sergeants will wear loomed stripes on both sleeves. They will be aligned on the centerline of the sleeve such that the point of the chevron is midway between the shoulder and the elbow.
4. Officers below the rank of Sergeant will wear SPD collar brass. Collar brass shall be worn so that the letters are horizontal (parallel to the ground).

5. Lieutenants and higher officers shall wear the small metal rank insignia on the collar. Collar rank insignia are to be placed inside the seams. Rank bars should be worn parallel to front stitching and 1/2" in from the edge of the collar.
6. Pocket flaps will be secured.
7. Brass nametags will be centered above the right pocket with a 1/2" space between the top of the pocket and the bottom of the nametag.
9. The firearms expert patch will be worn only by those persons who have qualified expert as outlined in OPM 211.010 I. This patch will be worn on the right sleeve 1/2" above cuff seam, just forward of the crease.
10. Members with current, active special skill qualifications may wear the skill insignia for Fit-for-Duty or Dive Team centered 1/4" above the name tag. Only one special insignia may be worn at a time. An officer qualified for multiple insignia may choose which one to wear.
11. Members with awards and ribbon may wear them on the uniform shirt arranged as laid out in OPM 106.170.

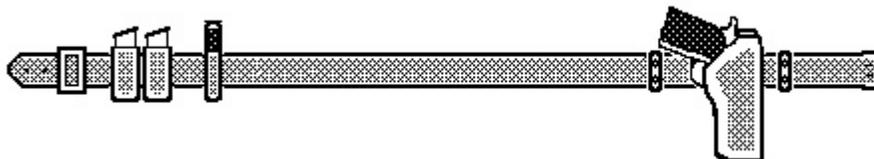
**B. Short sleeve uniform shirt.**

1. Short sleeve shirts will be worn with a clean black or navy crew neck T-shirt and metal badges. No chains or jewelry will be visible around the neck.
2. SPD shoulder patches will be centered on the crease of the left sleeve 1/2" below the shoulder seam.
3. Police officers will wear SPD collar brass. Collar brass shall be worn so that the letters are horizontal (parallel to the ground).
4. Sergeants and higher officers shall wear the small metal rank insignia on the collar. Collar rank insignia are to be placed inside the seams. Rank bars should be worn parallel to front stitching and 1/2" in from the edge of the collar. Eagles should be worn so that the wings are horizontal.
5. Pocket flaps will be secured.
6. Brass nametags will be centered above the right pocket with a 1/2" space between the top of the pocket and the bottom of the nametag.
7. Members with current, active special skill qualifications may wear the insignia for Fit-for-Duty or Dive Team centered 1/4" above the nametag. Only one special insignia may be worn at a time. An officer qualified for multiple insignia may choose which one to wear.
8. Members with awards and ribbon may wear them on the uniform shirt arranged as laid out in OPM 106.170.

**106.120 BELTS**

**A. Duty Belt.** All officers in uniform will carry at least the issue handgun, two full magazines of handgun ammunition, OC spray, handcuffs, and the ASP baton.

1. The handgun, keepers, and spare magazines, shall be carried on the belt in specific positions (see illustration below). The magazines shall be worn immediately adjacent to the buckle; the handgun will be worn aligned with the pants seam on the strong hand side of the body; and a pair of belt keepers will be placed immediately adjacent to the handgun (one in front, one behind).



2. The following required equipment may be positioned on the belt at the officer's discretion provided that the requirements of paragraph A1 are met:
  - handcuff case
  - OC spray case
  - ASP baton
  - belt keeper(s)
3. The following optional items may be carried on the belt and may be arranged at the officer's discretion provided that the requirements of paragraph A1 are met:
  - portable radio
  - key case
  - knife case
  - small flashlight
  - flashlight ring
  - second handcuff case
  - other authorized special equipment
4. An officer may, at personal expense, substitute a double layer case designed to hold two sets of handcuffs in place of the issue single case or optional second handcuff case.
5. Officers may carry the OC spray in an outside pocket of the jacket or vest as an alternative to carrying it on the uniform belt.
6. Trousers belt will have a plain buckle that does not protrude above or below the Duty belt. Buckle-less trouser belts are permitted.
7. Any optional duty gear worn on the uniform belt shall be of a style consistent with Department issue.

### 106.130 UNIFORM PANTS

Uniform pants are to be creased, pocket buttons fastened, and worn with the belt buckle centered on the fly seam.

### 106.140 BDU (BATTLE DRESS UNIFORM )

- A. *The battle dress uniform (BDU).*** The BDU consists of dark blue or black trousers and long sleeve shirt worn with the black SPD Baseball hat.

The BDU shirt shall be worn tucked inside the trousers allowing the use of keepers on the trousers belt to secure the Duty belt. The BDU shirt shall be worn with either a dark blue or black undershirt (T-shirt) or dark blue or black turtleneck. The collar of the turtleneck may have "SPD" embroidered in nickel thread (block letters, 3/4 inch high) on the left side.

The BDU shall be worn with boots meeting the standards set out in 106.150. BDU trousers shall be worn bloused over the top of the boots.

The cruiser jacket may be used in conjunction with the BDU. All pocket flaps will be secured. Any items carried in the shirt or trouser pockets are to be completely concealed.

- B. *Wear of patches and insignia on the BDU.*** The BDU shirt will have the subdued SPD shoulder patch centered on the sleeve, 1/2 inch below the shoulder seam.

An embroidered SPD breast badge patch will be located above the embroidered patch over the left pocket.

Officers shall not wear SPD collar brass. Sergeants and higher rank officers may wear the small metal rank insignia on the collar. Insignia placement shall be as described in OPM 106.110 B5. Other than the embroidered patches and the collar rank insignia for officers and above, no other insignia, pins, badges, patches or the like will be worn with the BDU.

- C. When the BDU may be worn.** The BDU may be worn when performing tasks where other clothing or regular duty uniforms may be damaged or destroyed. Activities appropriate for BDU wear include weapon qualifications, weapon cleaning or maintenance, vehicle cleaning or maintenance, and, during inclement weather or in dirty locations particularly likely to ruin other clothing, patrol or investigative tasks. Supervisors may allow BDU uniforms to be worn by their personnel on a case-by-case basis under special circumstances. The BDU uniform is not a substitute of the winter or summer duty uniforms.

**106.150 UNIFORM FOOTWEAR**

All commissioned officers will provide black footwear for uniform wear. If the footwear is a shoe it must be of smooth leather without stitching across or along toes. The uppers of boots can be of artificial materials (e.g., ballistic nylon) so long as the appearance is appropriate for the uniform. Lieutenants are authorized to rule on the suitability of questioned footwear. Whether boots or shoes are worn, the toe area must be rounded and the heel must be less than 1 1/4" in height. Narrow-toed shoes or boots are not permitted.

**106.160 COMMENDATION RIBBONS - ARRANGEMENT**

Ribbons awarded for any of the award categories set out in OPM Chapter 111, may be worn on the duty uniform shirt centered 1/2 inch above the name plate. Ribbons shall be displayed in the order shown below, worn edge to edge, without spacing. The only ribbon which may be duplicated is the Award for Valor. Second and subsequent awards of all other ribbons will be denoted by affixing a bronze star centered on the ribbon, up to a total of three bronze stars. Receipt of five or more of the same commendation ribbon shall be denoted by a single centered gold star.

MEDAL OF HONOR	VALOR	POLICE SHIELD
MERITORIOUS CONDUCT	OFFICER OF THE YEAR	LIFESAVING AWARD
CERTIFICATE OF MERIT	CERT. OF CIVIC ACHIEVEMENT	SAFE DRIVING AWARD
DEPARTMENT SERVICE		

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## CHAPTER 107 PHYSICAL CONDITIONING

Chapter Revised 01/01/2012

### 107.010 INTRODUCTION

All departmental employees are required to meet the physical and mental demands of the position they hold.

- A. ***Employees are responsible for physical conditioning.*** Employees must maintain a level of physical conditioning sufficient to perform daily tasks with vigor, alertness, and only reasonable fatigue and must be capable of the high levels of exertion required to handle crisis and emergency situations. An employee's level of conditioning must be sufficient that they can maintain good judgment and make correct decisions during and after periods of physical exertion.
- B. ***Medical examination may be required.*** The Department may require medical examinations for reasonable cause to determine fitness for duty.

### 107.020 FIT FOR DUTY AWARD

- A. ***Employees may qualify to wear Fit-for-Duty award.*** Employees who score at least 80% on each of the standard physical conditioning tests set out by the Cooper Institute (maximum number of push-ups, 1-minute sit-ups, 1.5 mile run) may wear the Fit-for-Duty award pin on their duty uniform in the manner described in OPM 106.090.
- B. ***Annual qualification for award required.*** Employees must qualify to wear the Fit-for-Duty award annually. Employees not re-qualifying for the award within 14 months are no longer eligible to wear the award.
- C. ***Unlimited Fit-for-Duty testing allowed.*** There is no limit to the number of times an employee may test for the Fit-for-Duty award.

### 107.030 FIT FOR DUTY TESTS

- A. ***Conduct of tests.*** Testing of members will include the maximum number of push-ups, 1-minute sit-ups, and 1.5 mile run. Employees will pass the test if they score at or above the 80th percentile on each of the events as established in the current Cooper Institute Physical Fitness Test. The test sequence is push-ups, sit-ups, and the run.
- B. ***Testing Supervision.*** Any officer of the rank of sergeant or above may supervise fit for duty testing. Testing will be performed in accordance with instructions, which may be modified from time to time. These instructions will include, but are not limited to training venues, time limits, and exercise technique. Supervisors must review any written and video instructions before testing. Supervisors shall limit the number of participants to the number the supervisor can personally supervise.
- C. ***Basis for standards.*** The Cooper Aerobic Standards will be used as the basis for the Department's fit for duty test.

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## CHAPTER 108 ELECTRONIC INFORMATION, COMPUTERS, AND COMMUNICATIONS

Chapter Revised 01/01/2012

### 108.010 INTRODUCTION

The provisions of this Chapter apply to all information stored electronically on Department or City equipment or networks, transmitted electronically (e.g. voice, data, facsimile, video or other forms) by employees while on-duty or using Department or City equipment or infrastructure, and information accessed via Department or City computers or networks.

All employees of the Department and any volunteers working for the Department are bound by this policy and Attachment E of the City and Borough of Sitka Personnel Policies Handbook. Violations of this chapter may lead to disciplinary action up to and including termination. Criminal sanctions may also apply to certain violations.

### 108.020 GENERAL RULES

- A. ***Equipment, resources, and information to be used only for business purposes.*** Communications and computer equipment, network resources are to be used only for business purposes except where specific exceptions are provided. Information stored or transmitted electronically to be viewed or used only for legitimate business purposes.
- B. ***No expectation of privacy.*** Employees have no expectation of privacy for any electronic communications or computer files accessed using Department equipment or resources. Supervisors or technical personnel may view, copy, monitor, record, archive, backup or otherwise manipulate computer files or electronic communications without notice.
- C. ***No use of Department equipment or resources in support of political or profit making ventures.*** Employees are prohibited from utilizing Department equipment or resources to support or oppose political candidates or parties, or in furtherance of any profit making enterprise. This includes the use of email to lobby legislators or public officials on matters of personal political interest.
- D. ***Discriminatory, defamatory, harassing, or sexual explicit materials.*** Except under the criminal investigation exception (Ref. 108.050 c) the creation, editing, viewing accessing, or transmission of discriminatory, defamatory, harassing, or sexual explicit materials in any form is prohibited.
- E. ***Rules applicable to all and at all times.*** The rules in this chapter apply to any employee or volunteer using city computer or network resources whether on or off duty, whether in a Department facility or not.
- F. ***Identity not to be hidden.*** Except as otherwise provided for in policy, employees may not intentionally hide their identity in email or internet communications or access.
- E. ***Other Prohibited use of office technologies.***
  - 1. Use for any purposes that violate a United States or State of Alaska law or the Alaska Administrative Code.
  - 2. Use for any commercial activities, including commercial advertising, unless specific to the charter, mission, or duties of the government agency.
  - 3. Use for access to or distribution of indecent or obscene material or pornography.
  - 4. Harassing other users, computer systems, and/or damaging or altering the software components of same.
  - 5. Use for fundraising, political campaign activities, or public relations activities not specifically related to state government activities.
  - 6. Any activity that adversely affects the availability, confidentiality, or integrity of any office technology.

**108.030 USE OF COMPUTERS AND ELECTRONIC INFORMATION**

- A. *Personal computer software.*** With few exceptions, software used on personal computers is not owned by the user, but the right to use a particular number of copies is licensed by the purchaser. Violators of software licenses can be subject to criminal penalties and can subject their employers to significant civil liability. It is the policy of the Sitka Police Department to respect all computer software copyrights and to adhere to the terms of all software licenses to which the Department is a party.
1. Employees may not duplicate any licensed software or related documentation for business or personal use unless the Department is expressly authorized to do so by agreement with the licensor.
  2. Shareware software is copyrighted software that is distributed for a free trial period prior to payment of a licensing fee. It is the policy of the Department to pay shareware authors the fee requested for any shareware products that are in use on Department computers.
  3. Any software for which proof of licensing (original disks, original manuals, or shareware receipts) cannot be demonstrated will be promptly removed from Department computers. Supervisory or technical support personnel encountering unlicensed software during maintenance or other activities are authorized to immediately delete such software from Department computers.
  4. Personally owned software installed on Department computers will be removed if it causes conflicts with Department hardware or software, interferes with the ability of any authorized user to access or utilize the computer, or occupies storage space needed by Department owned software or data.
  5. Computers with APSIN/NCIC access must follow approved guidelines.
- B. *Personal use of Department computers.*** Members may not make personal use of Department computers while on-duty. With prior supervisory approval, employees may make off-duty personal use of Department computers for such purposes as the writing of academic papers or letters related to the professional development or advancement of the employee. Approved personal use of Department computers must not be for financial or material gain.
- C. *Improper use of electronic information.*** Employees shall not make improper use of information contained in, or accessed through, Department electronic devices. Employees violating this section may be subject to criminal prosecution, loss of computer access privileges, and/or discipline, up to and including dismissal. Improper use of computerized information includes:
1. viewing computerized records without a legitimate business purpose for doing so (including for the purpose of satisfying curiosity);
  2. obtaining information in violation of law, regulation, policy, procedure, or other rule;
  3. release of records to any third party not legally entitled to the records;
  4. release of records to any third party not authorized by policy or procedure to receive the records;
  5. release or use of records for personal gain, or to benefit or cause injury to a third party (including influencing political, electoral, or governmental decisions); and
  6. release or use of records for financial gain.
- D. *No privacy expectation for SPD electronic information.*** This information may be accessed by SPD technical or supervisory personnel without notice beyond that provided by this policy. Upon request by a supervisor an employee shall provide keys or passwords to files that have been encrypted or password protected.

#### 108.040 ELECTRONIC COMMUNICATION AND SOCIAL MEDIA

- A. ***Restrictions on the use of email, social media, and TWIX communications.*** SPD email and any other electronic messaging systems shall be used only for the conduct of SPD business. Any Email, TWIX communications, or any other electronic messaging may be monitored by the Department, and messages may be read by supervisors without notice beyond that provided by this policy.
- B. ***There is no expectation of privacy for electronic communication sent or received on any city electronic device.*** Technical and/or supervisory personnel may view, print, copy, archive or otherwise access electronic communication at any time without notice to the employee.
- C. ***Electronic communication may never be used for political activities or in connection to profit making enterprises.***
- D. ***No discriminatory, defamatory, harassing or sexually explicit messages to be sent.*** Employees may not intentionally receive or transmit messages containing discriminatory, defamatory, harassing, or sexually explicit text, images, or multimedia.
- E. ***Personal email messages limited.*** Employees may send or receive brief personal email messages so long as they do not disrupt the regular conduct of Department business; they do not contain personal or intimate information that the employee would not freely share with supervisors and co-workers; and, they do not contain discriminatory, defamatory, harassing, or sexually explicit content.
- F. ***Use of anonymous or false email addresses prohibited.*** Except with the permission of a supervisor during the course of an investigation, employees are prohibited from sending email from a SPD computer or terminal with a false address or using any service or technique intended to hide their true identity from the recipient of the message.

#### 108.050 INTERNET ACCESS

- A. ***Internet access is provided so that employees may conduct the city's business.*** This includes access to internet resources for the purposes of research, investigation, purchasing, or inter-governmental coordination.
- B. ***There is no expectation of privacy in any internet access made using Department computers or networks.*** The URL of each site visited may be recorded and reviewed by technical or supervisory staff without notice to the employee.
- C. ***Access to certain internet resources prohibited.*** Other than for the purpose of investigating criminal or administrative violations, employees are prohibited from intentionally accessing any internet resource containing discriminatory, defamatory, harassing, or sexually explicit content.
- D. ***Unintentional access to sites with prohibited content should be immediately reported to a supervisor.*** The site accessed, date and time, and circumstances should be part of the report to the supervisor.
- E. ***Procedures for intentional access to prohibited content.*** Intentional access to sites with prohibited content for the purpose of criminal or administrative investigation should be pre-approved by a supervisor and recorded in the appropriate report indicating the sites visited, date and time, and reason for access.

#### 108.060 TELEPHONE PROCEDURES -- GENERAL

- A. ***Answering phones.*** Telephones shall be answered promptly and courteously. General access numbers should be answered with the name of the Department. Commissioned members will identify themselves by rank and name when answering phones.

- B. Referral of callers to other numbers to be avoided.** All reasonable efforts will be made to assist the caller without requiring them to place another call. If the caller is reporting a crime, basic information and a call back number should be obtained and the referral call placed to the other agency by the member receiving the call. The caller should be advised of this procedure.
- C. Personal toll calls prohibited.** Personal toll calls will not be charged to Department phones.
- D. Standards for use of voice mail.** Employees who have voice mail on their phones shall:
1. record a message that includes the identity of the person or office reached, an invitation to leave a message, and instructions on reaching a human operator;
  2. shall check voice messages at least once each day the employee is at the workplace; and
  3. shall leave an explanatory message if the voice mail will not be checked for more than 3 days due to planned absence from the workplace.

Employees are encouraged, though not required, to update their messages daily (if appropriate) and to check their messages remotely if away from the office for a prolonged time while on-duty.

#### 108.070 TELEPHONE PROCEDURES -- DISPATCH

- A. Minimum information to be recorded for each service request.** Reports of crimes or requests for services received by dispatch will be documented by obtaining a case number for each occurrence. The following minimum information will be recorded for each service request:
1. time received;
  2. name, address, and home telephone number of caller;
  3. telephone number from where they are calling;
  4. nature of service request - details;
  5. exact location;
  6. whether any special equipment is needed -ambulance, etc.; and
  7. if available, the additional information needed to complete the dispatch card or service request form.
- B. Incident in progress calls.** If the caller is reporting an incident in progress, the caller should be kept on the line whenever possible. While the call is being dispatched to a unit on the road further information will be obtained: what exactly is the caller seeing/hearing; suspect(s) name(s) and/or description; vehicle descriptions; suspect actions.

#### 108.080 CELLULAR PHONE POLICY

- A. Acquisition of cellular phone services coordinated by Chief.** The acquisition of cellular phones and services are to be approved through the Chief who will assure that service is obtained at the lowest reasonable cost.
- B. Employees responsible for personal calls.** Employees are required to reimburse the Department for charges resulting from personal local or toll calls made on Department cellular phones. Depending on the phone service contract this may require payment for all personal calls made from cellular phones,toll calls, and text messaging.
- C.** The use of cell phones is prohibited in Dispatch without prior approval of the supervisor.

**108.090 RADIO PROCEDURES**

- A. *During routine traffic only authorized 10-code to be used.*** When using SPD radio channels during routine communications all personnel will use the 10-code listed in OPM 108.090. No other codes are to be used. Messages which cannot be communicated clearly using the 10-code should be conveyed in plain English.
- B. *Emergency communications to be plain-English.*** During periods of declared emergency radio traffic, especially when multiple agencies may be involved, all transmissions on the emergency channel should be made in plain English. Dispatch should so instruct upon declaring an emergency channel.
- C. *Transmissions to be brief.*** All transmissions will be kept as brief as practical.
- D. *Personnel to use assigned radio channels.*** Personnel will utilize the specific channel assigned to them by Dispatch for the area or assignment which they are working. When moving from one area to another, Dispatch will provide new channel assignments on request.
- E. *Radio use to comply with FCC regulations.*** All personnel will conform to the rules established by the FCC when using radio equipment.

**F. *10-code system to be used by SPD personnel.***

10-1	Unable to Copy	10-29	Check Record for	10-81	Eating, Coffee
10-2	Signal's Good		Wanted	10-83	No Contact
10-3	Change Frequency	10-32	Firearm	10-86	Providing Transport
10-4	Acknowledgment	10-33	Emergency Traffic	10-87	Security/Bar Check
10-5	Meet _____	10-36	Routine Traffic Stop	10-92	Holding Confidential
10-6	Busy at Give Location	10-50	Accident		Information
10-7	Out of Service		I - Injury	10-93	Subject is Possible
10-8	In Service		D - Damage		Health Hazard
10-9	Repeat		F - Fatality	10-96	Mental Subject
10-10	Fight in Progress	10-51	Wrecker	10-97	Negative Wanted
10-12	Stand By	10-55	DWI	10-98	Officer Safety
10-19	Return To _____	10-56	Intoxicated Person		Information
10-20	Location	10-60	Welfare Check	10-99	Wanted or Stolen
10-21	Call _____	10-68	Officer Needs Routine		ADAM - Armed
10-22	Disregard		Assist		and Dangerous
10-23	Arrived At Scene	10-69	Officer Needs		F - Felony
10-24	Assignment Completed		Emergency Assist		M - Misdemeanor
10-27	OL Check	10-77	ETA		T - Traffic
10-28	Vehicle Registration	10-79	Deceased		L - Locate
	Check	10-80	Prisoner In Custody		

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**CHAPTER 109**  
**COURT APPEARANCES**  
Chapter Revised 01/01/2012

**109.010 INTRODUCTION**

The department establishes proper attire and behavior standards for functions involving the court system.

**109.020 MEMBERS SHALL ATTEND COURT**

- A. *Members are required to attend court when notified to do so.*** Members who have been notified of a court appearance shall attend court at the time they are required to appear.
- B. *Members required to be subpoenaed on civil cases.*** Employees are prohibited from appearing as witnesses in civil cases, except in obedience to a subpoena or court order.
- C. *Member's future conduct will not be influenced by the disposition of a case.*** Members shall not allow personal feelings regarding the disposition of a case to influence their future conduct.
- D. *Members will not refuse service of a subpoena.*** No member shall refuse service of a subpoena whether civil or criminal.
- E. *Protocol for members served with conflicting subpoenas.*** When served with subpoenas for different courts requiring the member to appear at the same time, members shall honor the subpoena first received if from the same level court, otherwise the court of highest jurisdiction will be honored. Members in this situation will also advise the district attorneys in the cases of the situation.
- F. *Members will notify the District Attorneys Office of scheduled leave or training.*** Members will notify their local District Attorneys Office, in writing, of their scheduled leave, training, or other absences. This notice will be routed to their supervisor.
- G. *Members to notify supervisor of subpoena affecting leave or training.*** When a member receives a subpoena to appear in court and that appearance will affect approved annual leave, training, or other absences from his post area, the employee shall immediately notify his supervisor. The supervisor, through whatever means available, will ascertain if the date of the appearance can be changed; if not, the subpoena is to be honored.

**109.030 PERSONAL APPEARANCE AND DEMEANOR**

- A. *Members will appear in court properly attired.*** Members will appear in neat, conservative business-like fashion whether in uniform or civilian clothing. When in civilian attire, the male officer shall wear a conservative business suit or sports coat and slacks with shirt and tie. Ties should be conservative being neither garish nor featuring cartoons nor other distracting graphics. Female officers in civilian attire will wear a conservative pant suit, suit, or dress. Do not wear anything that would distract the attention of the jurors from what is being said.
- B. *Members will be polite and courteous.*** Members will be polite and courteous throughout their testimony.
- C. *Members shall be prepared to testify.*** Members shall study their notes, diagrams, photographs, and reports prior to their testimony and be prepared to testify. The necessity to refer to notes or reports to "refresh" his memory should be kept to a minimum. The state's attorney should be consulted prior to the trial so that the member may prepare his testimony with particular attention to those points which the attorney wants to emphasis and so that the member may clarify his report to the attorney. The member should also try to anticipate what the defense will be and have the appropriate answers ready.
- D. *Members will display the appearance of impartiality.*** Around the courtroom, avoid any actions that would indicate an interest in securing a conviction such as questioning witnesses, consulting other officers, or prompting the prosecutor. Do this in another room. Do not give an outward appearance of dissatisfaction on decisions. Take the position of an impartial servant seeking only justice.

**109.040 NON-DUTY RELATED COURT APPEARANCES**

Employees who are required to appear in court for any hearing or trial that is personal in nature and not related to duty will make prior arrangements for leave with a supervisor and will not appear in uniform or armed.

**CHAPTER 110**  
**DEPARTMENT INVESTIGATIONS AND DISCIPLINARY PROCEDURES**  
Chapter Revised 01/01/2012

**110.010 INTRODUCTION**

The department has established a policy and set of practices to be adhered to when a complaint is received.

**110.020 RECEIVING COMPLAINTS**

- A. *Any employee may accept complaint.*** Any employee of the Department is authorized to receive and record complaints against other departmental employees and/or the Department. Under no circumstances shall an employee attempt to dissuade any citizen from lodging a complaint against an employee or the Department.
- B. *Complaints will be immediately routed to supervisor.*** Whenever allegations of improper conduct are made against an employee of the Department, they shall be received in a courteous and professional manner and the information shall be routed to the appropriate supervisor.
- C. *Action by supervisor notified of complaint.*** A supervisor notified of, or receiving a complaint is responsible for immediately determining:
  - 1. whether the complaint is within the definitions in Section 110.010;
  - 2. whether the complaint alleges criminal conduct on the part of an employee;
  - 3. whether the identity of the department employee can be determined; and
  - 4. the identity of the complainant or other persons with direct knowledge of the allegation(s).

Further, when a complaint is likely to result in an inquiry or an AI, and a written signed statement cannot be obtained from the complainant, then the person receiving the complaint shall prepare a full signed statement.

- D. *Supervisor's duty to department.*** When confronted with a situation in which a subordinate may be the subject of a criminal or administrative investigation the supervisor's duty to the Department requires that he remain impartial with respect to the matter under investigation, and that he aid and facilitate the investigation.

**110.030 RECORDING COMPLAINTS**

- A. *Department will investigate complaints.*** It is the policy of the Department to accept, record, and investigate complaints as defined in Section 110.010.
- B. *Evaluation and action by supervisor notified of complaint or misconduct.*** Supervisors who observe violations or who are advised by a subordinate of complaints or misconduct as defined in Section 110.010, shall take whatever action is necessary and authorized by this chapter. The responsibility for assuring proper recording of complaints and assuring required notifications rests with the supervisor and the Chief.
- C. *Assignment of case number and recording of complaint.*** Every complaint, as defined in Section 110.010 (except for those immediately determined to be unfounded), shall be recorded in the following manner:
  - 1. obtain a DR number;
  - 2. enter the complainant's driver's license / identification number in the case management system;
  - 3. enter comments on the nature of the complaint in the case management system; and
  - 4. do not list the suspect employee(s) name, permanent id, or license # in the case management system or on any Dispatch Card.

5. An electronic file will be created for the narrative portions of the complaint, limited to approved personnel.
6. The resolution of the complaint shall be documented in the DR.

#### **110.040 THE COMPLAINT PROCESS**

Supervisors are responsible for notifying the Chief's Office, in a timely manner, of any complaint which requires further inquiry or follow-up action. Complaints will be handled in accordance with the Department Administrative Investigations Manual (AI Manual).

#### **110.050 THE ADMINISTRATIVE INVESTIGATION**

Administrative Investigations (AI's) for the Sitka Police Department are the responsibility of the Chief.

All administrative investigations will be conducted in accordance with the Department Administrative Investigations Manual. No person may act as an AI investigator unless they have received approval by the Chief.

#### **110.060 CRIMINAL INVESTIGATIONS**

Criminal investigations of members of the Department will be initiated only with the approval of the Chief.

Criminal investigation of any member of the Sitka Police Department will be reported immediately to the Chief. Guidelines concerning conducting criminal investigations on Department personnel are described in the Department Administrative Investigations Manual (AI Manual).

#### **110.070 ADMINISTRATIVE LEAVE**

- A. *Administrative leave by supervisor.*** Any supervisor delegated the authority may, and has the duty to, place on administrative leave any subordinate whenever good order, efficiency or discipline demand. Members may be placed on administrative leave for:
  1. any violation of the rules and regulations;
  2. violations of personnel rules; or
  3. failure to obey a verbal or written order.
- B. *Notifications of administrative leave by supervisor.*** Upon placing an employee on administrative leave by a supervisor, the following notifications shall be made:
  1. the supervisor who exercised the authority shall promptly, in writing, notify his superior of such action and the reasons;
  2. the superior shall in turn, promptly forward such notification to the Chief.
- C. *Administrative leave mandatory when charged.*** Administrative leave is mandatory when an officer is charged with a felony offense.
- D. *Employees on administrative leave to surrender badges, credentials, weapons, and city property.*** Employees placed on administrative leave from duty shall immediately surrender their credentials, badges, and issued firearms to the Chief or his designee exercising the authority. The Chief may also require the surrender of all other City property issued to the officer.

- E. **Restrictions on employees on administrative leave.** Employees on administrative leave shall not wear uniforms or any other badge of office, nor shall they carry any concealed weapon. Members under suspension shall have no authority of office.
- F. **Disciplinary suspensions.** Disciplinary suspensions will be without pay.

#### 110.080 DISMISSALS

- A. **Cause for dismissal.** In the determination of the department, a finding of the following offenses, which may not be all inclusive, may be cause for dismissal:
  - 1. conviction of a felony offense or a crime involving moral turpitude, as defined under 13AAC 85.900(28);
  - 2. submission of a resignation while criminal charges are pending and before the case has been adjudicated;
  - 3. making a false statement or falsifying any written or verbal report made to a superior or required by Department policy or procedures, or willfully and intentionally withholding any material matter from such report or statement;
  - 4. accepting or offering a bribe, official misconduct, or engaging in any unlawful act or unlawful means of obtaining money or other consideration;
  - 5. accepting any fee, reward or gift of any kind from an arrested person or a person under investigation;
  - 6. intentionally destroying or improperly handling evidence in violation of Department procedures;
  - 7. knowingly giving false testimony in any case at any time;
  - 8. knowingly committing any serious violation of law;
  - 9. intentionally revealing the identity of any member of any law enforcement agency engaged in official duty in such a manner as to interfere with the proper performance of his duty;
  - 10. intentionally revealing the evidence, activities, or plans of any law enforcement agency in a manner which could interfere or prevent investigation, activity, or plans;
  - 11. being under the influence of intoxicants and/or drugs without authorization on or off duty, in full or partial uniform, or on duty in plain clothes;
  - 12. being a member of any subversive organization that is seeking to subvert, overthrow, or destroy an established government; or
  - 13. cowardice.
- B. **Dismissed member to surrender all property and authority.** Any member receiving either verbal or written notice of dismissal shall immediately surrender all city property issued to him, and until and unless he is reinstated, he shall no longer be considered a member of the Department.
- C. **Notification of dismissal.** Any member shall be promptly provided with a written order of dismissal from the Chief or his designee setting forth the reasons of the dismissal.

Copies of such action shall be forwarded to the City Human Resources Section.

#### 110.090 DEMOTIONS

- A. **Reasons for demotion.** Any member may be demoted upon a showing that he is unable or unwilling to perform the responsibilities and duties that his position requires or for other sufficient reason as determined by the Department.

- B. *Employees demoted for cause may be returned to former position.*** In accordance with applicable collective bargaining agreement, an employee who is demoted may be eligible to return to the last permanent status position held within the department.
- C. *Layoff of demoted employees.*** In accordance with collective bargaining agreements, an employee in permanent status who has been demoted and where no vacancy exists in the demotion classification may be eligible for layoff rights. Rehire from layoff will be handled in accordance with the pertinent labor contract and personnel rules. Any employee placed on layoff status shall immediately surrender all State property to his supervisor or other designated employee.
- D. *Surrender of credentials upon demotion.*** Any member who is demoted shall immediately surrender all credentials, insignia, etc. which designate the position from which he is being demoted and equipment which has been assigned to him to assist him in fulfilling the duties of the position, to his supervisor or other designated member.
- F. *Notice of demotion.*** The Chief shall, before such action is taken, give written notice to any permanent member being demoted providing the reasons for demotion.

A copy of such written notice shall be immediately forwarded to the City Human Resources Section.

### 110.100 DEFINITIONS

***Administrative Leave*** -- a relief from duty with or without pay pending an investigation.

***Complaint*** --

1. an alleged act, or failure to act, by personnel which is contrary to written rules, regulations, procedures, directives or orders of the Department;
2. an alleged act or omission which, if substantiated, would constitute a violation of law;
3. an allegation against employees or the Department which tends to indicate an actual or potential defect in Departmental rules, regulations, procedures, directives, orders, or Department services; or
4. a request for an Administrative Investigation, by Department personnel, in accordance with collective bargaining agreements, or as authorized by the department.

NOTE: General complaints regarding requirements of duties, e.g., issuance of traffic citations, driver's license suspensions, etc., in which no impropriety is alleged and other channels of adjudication, such as court or other types of action are provided, is not deemed a complaint under this section.

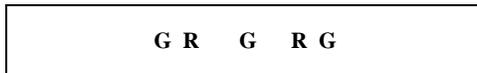
***Suspension*** -- a disciplinary action, involving the relief from duty without pay, following the conclusion of an investigation or evidence of wrongdoing.

**CHAPTER 111**  
**COMMENDATIONS, AWARDS AND PROMOTIONS**  
Chapter Revised 01/01/2012

**111.010 COMMENDATIONS AND FORMAL RECOGNITION**

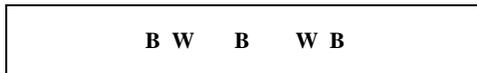
The Sitka Police Department has established the following formal commendations and awards. The recipient of each award, except for the Letter of Commendation, will receive a plaque commensurate with the award and a ribbon for uniform wear as appropriate. Award ribbons are to worn only as set out in OPM 106.

- A. **Police Medal of Honor.** The Police Medal of Honor is awarded to a police officer who voluntarily distinguishes him/herself conspicuously by gallantry and extraordinary heroism. The act commemorated by this award must have been above and beyond the call of duty and have placed the officer's life at risk and of such a nature that the officer was fully aware of the imminent threat to his personal safety. The commendation ribbon is a multicolor ribbon of gold, red, gold, red, and gold.



- B. **Police Cross.** The Police Cross is awarded to an officer who loses his life in the performance of duty under honorable circumstances. It is awarded in addition to any other award which the officer's conduct may merit in the incident involving this ultimate sacrifice. The commendation medal is presented to the officer's survivors.

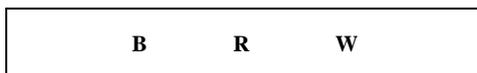
- C. **Police Medal of Valor.** The Police Medal of Valor is awarded for exceptional bravery at imminent risk of serious bodily injury while performing a voluntary course of action in an extremely dangerous situation. The commendation ribbon is a black bar with two white stripes.



- D. **Police Shield.** The Police Shield is awarded to any officer or other uniformed member who suffers serious bodily injury in the line of duty. The injury must not have been the result of or concurrent with any behavior that is improper or less than honorable. It may be awarded in addition to other awards merited by the conduct occurring during the incident. Injuries suffered as a result of falls on ice, motor vehicle accidents, and the like will not be considered unless extraordinary circumstances exist. The commendation ribbon is light blue with gold stripes and a centered gold shield.



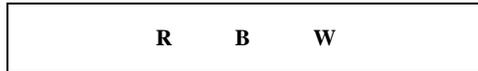
- E. **Meritorious Conduct Award.** The Meritorious Conduct Award is awarded to an officer for performance of duty or service at great risk to personal safety, or for outstanding contributions to law enforcement through successful completion of difficult police projects, programs on in situations where contributions demonstrate a high degree of professional accomplishment. It is also awarded upon the recommendation of a supervisor to an officer who has received three or more Certificates of Merit or Certificates of Civic Achievement when more than a year has passed since the awarding of the third Certificate and the officer's performance demonstrates continuous outstanding performance. The commendation ribbon is black and white with a red bar.



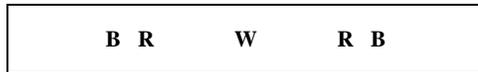
- F. **Officer of the year.** The Chief may select a sworn member who best typifies exemplary service to the City based on, but not limited to: consistent performance throughout the year, commendations and awards, incidents of exemplary performance, work on special projects, civic activities and community involvement. The multicolor commendation ribbon is green, red, white, red, and green with a centered red star.



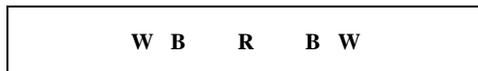
- G. Lifesaving Award.** Awarded to any member directly responsible for the saving of a human life. It may be awarded in addition to a higher award where justified by the situation. The multicolor commendation ribbon is red, black, and white.



- H. Certificate of Merit.** Awarded for excellence in police work: to officers of any rank for outstanding performance under unusual, complicated or hazardous conditions over any period of time; to civilians and sworn members for superior performance over a prolonged period of time providing that such performance is exceptional, placing them above other personnel of equal grade or rank; or without a bar to officers from other police agencies for exceptional assistance rendered while working with an officer of the SPD. The multicolor commendation ribbon is black, red, and white.



- I. Certificate of Civic Achievement.** The Certificate of Civic Achievement is awarded to any member who brings favorable recognition to the Department through their involvement in civic affairs as a representative of the Department. The multicolor commendation ribbon is white, black, and red.



- J. Safe Driving Award.** Any member assigned to position requiring driving of departmental vehicle either on and daily basis or frequently at the direction of a supervisor is eligible for this award. Awards are made in five year increments for preventable accident free driving as reflected in records maintained by the Chief's office. Awards made prior to a preventable accident shall not be revoked or cancelled, however any accident free time towards the next increment is cancelled and a new increment begins on the day following the accident. The multicolor commendation ribbon is white, with two green bars and a gold shield containing the increment number.



- K. Certificate of Appreciation.** The Certificate of Appreciation is awarded to a non-member for assisting an officer when evidence shows that, had the assistance not been given, the officer or some other person could have been injured; or to a non-member for their outstanding service improving relations between the community and the police department.

- L. Letter of Commendation.** The Letter of Commendation is issued under the Chief's signature for outstanding day-to-day services, recognition of outstanding service brought to the Department's attention in a letter from a citizen, or other exceptional job performance not meeting the criteria for higher awards, but deserving of formal recognition.

### 111.020 DEPARTMENT SERVICE RIBBONS

The Sitka Police Department has established the service bar to recognize service to the City of Sitka. Service ribbons are to be worn only as set out in OPM 106. The service bar is awarded in five year service increments to any member of the Department. The service bar is a white ribbon with two red bars and a gold shield with current increment years.



### 111.030 EMPLOYEE RECOGNITION FORM

The Employee Recognition Form is used by any member of the Department to recognize any other member of the Department for exceptional service which may not rise to the level of the awards in OPM 111.010. The form is to be routed through the chain of command to the Chief. The Chief may approve or disapprove the commendation as presented, may amend the commendation, or may recommend the employee for a higher commendation or award.

### 111.040 RECOMMENDATION PROCESS

- A. **Recommendations may be made by anyone.** Recommendations for commendation of any Departmental personnel may be made by anyone having accurate information of an action worthy of special recognition.
- B. **Recommendations will be made in writing.** Recommendations for commendations or awards will be made in writing and must include all pertinent details and names of witnesses.
- C. **Recommendations will be routed to the Chief.** All recommendations will be routed to the Chief.
- D. **Presentation of awards and commendations.** Awards and commendations will be presented at an appropriate time and place as designated by the Chief.

### 111.050 COMMENDATION REVIEW BOARD

- A. **Appointment of the Board.** The Commendation Review Board will consist of three employees appointed by the Chief. The three board members will consist of one member below the rank of Lieutenant, one civilian employee, and one above the rank of Sergeant.
- B. **Responsibility of the Board.** The responsibility of the board will be to review recommendations for commendations for valor, bravery, or police shield; determine the appropriate award to be given; and draft the official citation for the Chief's signature.
- C. **Authority of the Board.** The Board has the authority to interview witnesses or request additional information to determine if the award is warranted.

### 111.060 PROMOTION POLICY

Promotions within the Department will be made in accordance with the City and Borough of Sitka General Code Chapter 2.25.020, Appointments, which state:

“The chief of police shall be appointed by the administrator with the approval of the assembly. All other appointments to, or promotions within the department, shall be made by the chief of police subject to the approval of the administrator.”

### 111.070 PROMOTION PROCEDURE

- A. **Eligibility for promotion to rank of Sergeant or Lieutenant.**
  - 1. Candidates for promotional testing must meet the minimum requirements as stated in the job description for the position being tested.
- B. **Examinations, Interviews and Scoring.**
  - 1. A written examination approved by the Chief will be administered to individuals interested in testing. **(Value – 40% of total score.)**
  - 2. A writing skills exercise, approved by the Chief, will be administered to all candidates. **(Value – 10% of total score)**

3. An Oral Interview before a Panel consisting of three to five persons. The panel may consist of a combination of Departmental personnel, law enforcement personnel from other agencies, and civilian members of the community. **(Value – 40% of total score)**
4. Candidates will complete a resume with emphasis on training and preparations completed to become a supervisor as well as community activities and involvement. **(Value – 5% of total score)**
5. A maximum of five points will be awarded for years of service with the Department. **(.5 % per year for a total of 5% towards total score)**
6. An acceptable or higher overall rating of promotability from at least two past or present supervisory personnel is required. See attached copy of Rating of Promotability form.
7. When all scores are tabulated, an eligibility list will be made for each vacancy by rank. The top two personnel will have a personal interview with the Chief. Upon completion of the interviews, the Chief will promote one of the two candidates.

#### **111.060 ATTACHMENTS**

##### **A. *Employee Recognition Form***



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**CHAPTER 112**  
**WORK HOURS, LEAVE, AND PAYROLL**  
Chapter Revised 01/01/2012

**112.010 INTRODUCTION**

All employees of the department will comply with current collective bargaining agreements, Federal and State Statutes, and regulations when dealing with personnel matters.

**112.020 DUTY DAYS AND WORK HOURS**

- A. *Chief will establish duty days and shift hours.* The Chief will establish duty days and shift hours to meet the needs of the Department.
- B. *Employees may be required to work overtime.* A supervisor may require an employee to work in excess of their normal work schedule.
- C. *Overtime eligible employees.* Overtime eligible employees will be compensated in accordance with FLSA standards or their collective bargaining agreement.

**112.030 HOLIDAYS**

Employees may be required to work legal holidays. Employees required to work on a holiday will be compensated in accordance with their collective bargaining agreement or State/Federal law.

**112.040 APPROVAL AND SCHEDULING OF LEAVE**

- A. *All routine leave requests will be submitted in writing.* All routine leave requests will be submitted in writing on a leave slip prior to the requested leave.
- B. *All routine leave requests will be approved prior to the beginning of the leave.* All routine leave requests must be approved in writing by the member's supervisor prior to the beginning of the leave.
- C. *Operation and Support Lieutenants are responsible for scheduling leave.* Operation and Support Lieutenants are responsible for leave scheduling which maintains satisfactory coverage and service throughout the year. They may approve/disapprove leave for specified periods and/or limit the number of members on leave at any one time.
- D. *Minimum amount of leave will be taken prior to the deadline.* Members who are required to take a minimum amount of leave during the year will take the required leave prior to the deadline. Members will submit a request to take required leave at least sixty (60) days before the deadline.
- E. *Denial of scheduled leave.* Scheduled leave may be denied if the employee has assigned cases or other work in a delinquent status. Prior to beginning approved leave, all assigned cases or other work must be cleared by a supervisor.
- F. *Conflicts between leave and court.* When a member receives a subpoena to appear in court and that appearance will affect approved annual leave, training, or other absences from his post area, the employee shall immediately notify his supervisor. The supervisor will determine if the date of the appearance can be changed. If the conflict cannot be eliminated, the subpoena shall be honored. (Reference OPM Chapter 109)

**112.050 OVERTIME**

- A. *Supervisors will schedule work to minimize overtime.* Supervisors, with due consideration for the integrity of the Department's mission, will plan and schedule work to minimize the payment of overtime.

- B. *Employees not to be intimidated over compensation.*** Employees shall not be intimidated in any manner in an attempt to convince the employee not to apply for compensation.

#### **112.060 SHIFT SCHEDULES**

- A. *All units will have a shift schedule.*** All units of the Department will publish a written shift schedule.
- B. *Shift schedule to contain certain minimum information.*** The schedule must contain at least the following information:
1. the name of the Unit the schedule applies to;
  2. the effective dates of the schedule;
  3. the member's name (Not nicknames);
  4. the member's work hours, RDO's, and shift hours;

#### **112.070 PAYROLL ENTRY**

Payroll entry, including supervisory approval shall be completed by the payroll cutoff.

## **CHAPTER 113 TRAINING**

Chapter Revised 01/01/2012

### **113.010 INTRODUCTION**

Training opportunities are given to meet the department's need for scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative or other skills necessary within the department. The training opportunities must be of necessary and direct value to the City and Borough of Sitka and are to be directly relevant to the employee's occupation or directly related to occupational advancement within the employee's occupational area.

### **113.020 DEPARTMENT TRAINING COORDINATOR**

- A. *Operations Lieutenant designated training coordinator.*** The Operations Lieutenant is the designated Department training coordinator.
- B. *Duties of training coordinator.*** The training coordinator's principal function is to assure that training activities within the Department are coordinated and serve the best interest of the members and the Department.
  - 1. Requests from individuals for training and memorandums assigning individuals to training will be routed through the appropriate chain of command and to the training coordinator.
  - 2. The Training Coordinator will coordinate attendance at formal training by members of the Department to fully utilize training efforts.
- C. *Training coordinator to review APSC certification requests.*** Requests for certification of formal training (APSC form F-20) will be submitted to the training coordinator 45 days prior to the training date for all formal training sessions. Upon receipt, the training coordinator will review APSC Form F-20 for correctness and completeness, verify certification of instructors, and forward the form to the APSC 30 days prior to training date.

### **113.030 GENERAL PROCEDURES**

- A. *Training to benefit Department.*** Training is given to meet the department's need for scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative or other skills. The training must be of necessary and direct value to the City and directly relevant to the trainee's occupation or training directly related to occupational advancement within the employee's occupational area.
- B. *Training approved by Training Coordinator.*** All training will be coordinated through the Department Training Coordinator.
- C. *Training needs identified by supervisors.*** A supervisor, who identifies a training need, will document the need and forward the documentation to the Training Coordinator. The supervisor and the Training Coordinator will determine the most practicable solution to the need, which could be in-service training or a specialized training course. When the appropriate solution has been selected, the Training Coordinator, in consultation with the Chief, will develop, adopt, or implement a training program.
- D. *Instructors to forward APSC paperwork.*** Principle instructors, or the Department official responsible for the coordination of a particular course of instruction, will ensure that each participant completes a course critique and will forward those critiques along with the course completion report (APSC F-6 form) to the training coordinator.
- E. *Requests for self-funded on-duty training.*** In some cases training that would normally not be available to an employee may be authorized during regular duty hours if the employee initiates a request to pay for the training costs and to attend the training while on duty. Approval must be obtained from the Chief and any such training must have some apparent benefit the City and the employee's present or future responsibilities with the Department.

- F. **Compensation during training.** The type of compensation paid to employees depends upon the location of the training, the hours of training, whether the training is optional or directed, and the classification of the employee receiving the training. Compensation is provided in accordance with collective bargaining agreements, and employment law.

#### 113.040 RECORDING TRAINING

- A. **Training to be documented on official forms.** Training received by members of the Department will be recorded on the appropriate form listed below and retained by the Department Records section. The official training records forms are:

1. Course Record -- used to record a course or certification completed by more than one person;
2. Training/Certification Record -- used to record a course, certification, language, or special skill for a single individual;
3. Firearms Qualification Record -- used to record firearms qualifications scores for a single individual with one or more weapons; and
4. Supervised Firearms Qualification Record -- used to record firearms qualifications scores for multiple individuals using a single type of weapon during supervised qualification.
5. Fitness Testing Record -- used to record results of fitness testing of officers.

- B. **Responsibility for submission of training documentation.** The responsibility for submission of training documentation depends upon whether the course is being sponsored or instructed by the Department.

1. Course sponsored or instructed by SPD personnel. If a course is organized or sponsored by SPD then it is the responsibility of the sponsor/instructor to complete a single "Course Record" listing all of the students.
2. Course provided outside the Department. If a course is not sponsored by the Department then it is the responsibility of the individual student(s) to complete and submit training documentation. Records can be submitted by individual students on the "Training/Certification Record." If more than one student attended the same training, they can submit a single "Course Record" listing multiple attendees.

Copies of any certificates of completion, certification documents, or diplomas should be attached to training record submissions for courses not sponsored by the Department.

- C. **Retention of original training record submissions.** Copies of training record forms submitted by individuals should be retained in the employee's personnel file. [Ref. OPM 114]

#### 113.050 ADVANCED MANAGEMENT TRAINING COURSES

This section covers attendance at the Federal Bureau of Investigation National Academy, the Southern Police Institute Administrative Officers Course, and similar training offered by other organizations. The Department recognizes that advanced training of this type is of great value to its commissioned managers and provides them with tools, knowledge, and skill essential to the modern police manager.

Officers with the rank of Lieutenant may submit a written request for consideration to the Chief through the chain of command. If the officer has a preference concerning training institution it should be expressed at this time.

#### 113.060 COMPLIANCE WITH ACADEMY RULES

While at the Alaska Department of Public Safety Academy as a student, instructor, or visitor, employees must comply with applicable Academy regulations and rules of conduct. Violation of these rules may subject an employee to disciplinary action including termination of employment.

### 113.070 TRAINING AND EDUCATION REIMBURSEMENT PROGRAM

The Sitka Police Department Training and Education Reimbursement Program provides eligible employees the ability to improve job-related skills by participating in education and training opportunities not offered by the department.

- A. **Employee Eligibility.** Training or education reimbursement is available to full-time employees who have been employed with the department for at least one (1) year. The applicant must be employed with the department both when the course begins and at course completion.
- B. **Course Eligibility.** Training or education reimbursement may be approved if the course improves the skills required of the employee's current position or if the course will help prepare the employee for career development with the Sitka Police Department. College level course work must be from an accredited college.
- C. **Availability of Funding.** Limited funding is available for this program. Reimbursement is dependent upon a number of factors, including that funding exists to support the request.

#### D. **Funding Provisions**

##### 1. Reimbursable

- a. When courses are taken for credit tuition and approved fees are reimbursed for a final grade of "C" or higher, or the equivalent on an alternate rating scale. For courses leading to a certificate, the employee must submit evidence of having successfully completed the course requirements.
- b. For courses related to the employee's current position, up to 100% of the approved allowable costs may be reimbursed. For courses that will help prepare the employee for career development within the department, up to 50% of approved allowable costs may be reimbursed.
- c. Expenses reimbursed are limited to the cost normally associated with enrollment in a traditional course of instruction such as tuition and related class fees.
- d. No expense is reimbursed without the required receipts and documentation of satisfactory course completion.

##### 2. Not subject to or eligible for reimbursement

- a. Reimbursement will not be considered for college level courses taken from a non-accredited institution or any course for which an equivalent course is offered or can be offered by the department
- b. Itemized fees not reimbursable include, but are not limited to, application/pre-admission registration fees, transcript fees, test preparation fees, admission testing fees, placement fees, course waiver, parking fees, student activity fees, interest on loans, and subscriptions to any professional/technical publication.
- c. An employee is not eligible for seeking training or education reimbursement by the department when the employee:
  - 1) Receives duplicate or comparable fees from another institution, agency, grant, scholarship, or financial assistance plan (not including loans); or
  - 2) Voluntarily resigns employment
  - 3) Fails to receive advance approval and provide all required application documents.
  - 4) Does not receive or provide proof of satisfactorily completing the course.
  - 5) Is not employed by SPD at the beginning or conclusion of the course.

**E. Work Schedule Limitations**

1. The training or education reimbursement program normally applies to training or course work during the employee's off-duty time. If the training requires absence from the workplace during normal working hours, the employee must receive prior approval as part of the application process. Subject to the supervisor's approval, the employee may use accrued personal leave or may reduce or adjust the regular work schedule in accordance with their applicable collective bargaining agreement.
2. Participation in the education and training reimbursement program must not interfere with the employee's ability to perform his or her job.

**H. Reimbursement to the City of Sitka.** An employee who separates employment from the City of Sitka in less than one year from completion of the course, unless separation is a result of death, prolonged illness, disability, or other circumstances beyond their control shall repay the City of Sitka in the following manner.

1. 100% if separation occurs before completing six months
2. 50% if separation occurs after six months but before completing twelve months
3. 0% if separation occurs after twelve months

**113.080 DEFINITIONS**

**After duty hours training** -- an assignment outside the trainee's regular work hours.

**Formal training** -- Alaska Police Standards Council (APSC) certified training of eight hours or more.

**Informal training** -- training of less than eight hours taught by an APSC certified instructor or by a person recognized as an expert in the subject matter.

**Long term training** -- an assignment to a school, academy, or other training facility which extends beyond a period of 30 calendar days (but not to exceed two years).

**Part-time training** -- an assignment which encompasses a part of trainee's regular hours, for any length of time.

**Short term training** -- an assignment of 30 days or less.

**113.090 ATTACHMENTS**

**A. Course Record**

**B. Training/Certification Record**

**C. Firearms Qualification Record**

**D. Multiple Firearms Qualification Record**

**E. Supervised Firearms Qualification Record**

**F. Fitness Testing Record**

**SITKA POLICE DEPARTMENT  
COURSE RECORD**

TITLE: \_\_\_\_\_

AGENCY: \_\_\_\_\_

TYPE:   o **C** - Course           o **L** - License           o **D** - Degree           o **T** - Certification

SUBJECT: \_\_\_\_\_           CATEGORY: \_\_\_\_\_

DATE: \_\_\_\_\_

CERTIFICATION START DATE: \_\_\_\_\_           EXPIRE DATE: \_\_\_\_\_

APSC: YES NO (*Circle one*)

MEDIA:   o **C** - CBT                   o **L** - Class Room           o **M** - Correspondence  
           o **N** - Conference           o **R** - Range               o **S** - Seminar  
           o **V** - Video

TOTAL HRS: \_\_\_\_\_

LOCATION: \_\_\_\_\_

<b>COURSE INSTRUCTORS</b>		
<i>If Alaska instructor, only PERM ID or ID/LIC required. May enter only name and agency of instructors if non-Alaska or identifiers unknown</i>		
PERM ID or ID/LIC	NAME	AGENCY

<b>STUDENT ROSTER</b>	
PERM ID or ID/LIC	NAME
<i>Attach extra sheets to record additional students.</i>	

**SITKA POLICE DEPARTMENT  
TRAINING / CERTIFICATION RECORD**

**INSTRUCTIONS:** Complete a separate training record for each course or school. Completed form should be turned in to the records office for entry into the employees personnel file. If submitted to report Language or Skills/Hobbies complete only identification information and bottom block.

Name: \_\_\_\_\_

ID/LIC: \_\_\_\_\_ or PERM ID: \_\_\_\_\_

TITLE: \_\_\_\_\_  
(Reid Basic Interview / ETT refresher training / Comm. Fish Regs / etc.)

AGENCY: \_\_\_\_\_  
(John Reid and Assoc. / APOA / Homer Red Cross / etc.)

TYPE:     C - Course             L - License             D - Degree             T - Certification

SUBJECT: \_\_\_\_\_ CATEGORY: \_\_\_\_\_

DATE: \_\_\_\_\_

CERTIFICATION START DATE: \_\_\_\_\_ EXPIRE DATE: \_\_\_\_\_

APSC: YES NO (Circle one)

MEDIA:     C - CBT                     L - Class Room             M - Correspondence  
               N - Conference             R - Range                 S - Seminar  
               V - Video

TOTAL HRS: \_\_\_\_\_ LOCATION: \_\_\_\_\_

<b>COURSE INSTRUCTORS</b>		
<i>If Alaska instructor, only PERM ID or ID/LIC required. May enter only name and agency of instructors if non-Alaska or identifiers unknown</i>		
PERM ID or ID/LIC	NAME	AGENCY

<b>LANGUAGES AND SKILLS/HOBBIES</b>	
<i>If updating languages or skills/hobbies, only identification at top of form and this section need be completed.</i>	
LANGUAGES	SKILLS/HOBBIES

**SITKA POLICE DEPARTMENT  
FIREARMS QUALIFICATION RECORD**

**INSTRUCTIONS:** Complete a separate qualification record for each weapon. Completed form should be turned in for retention in the employees personnel file.

Name: \_\_\_\_\_

ID/LIC: \_\_\_\_\_ or PERM ID: \_\_\_\_\_

TYPE: **G**

SUBJECT: **GUNQUAL**

- CATEGORY:   o   ISSUE handgun  
                   o   HANDGUN (other)  
                   o   RIFLE  
                   o   SHOTGUN  
                   o   AUTO (fully automatic weapon)

DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_ (supervised / unsupervised qualifications)

AGENCY: \_\_\_\_\_ (SPD / APOA / DPS / etc.)

DESCRIPTION	WEAPON S/N	SCORE
(S&W 4006 / Remington 870 / etc.)	(12345ABC987)	

AMMO: \_\_\_\_\_ (158 Grain HP Federal / etc.)

<b>COMPLETE FOR SUPERVISED QUALIFICATION</b>	
Rangemaster Name and PERM ID:	Signature:

<b>DEPARTMENT ARMORER OKAY FOR SERVICE</b>	
Armorer Name and PERM ID:	Signature:





**SITKA POLICE DEPARTMENT  
FITNESS TESTING RECORD**

**INSTRUCTIONS:** Complete a separate fitness testing record each time an officer participates in fitness testing. Completed form should be turned in to Records for retention in the employee's personnel file.

Name: \_\_\_\_\_

ID/LIC: \_\_\_\_\_ or PERM ID: \_\_\_\_\_

TYPE: **T**

SUBJECT: **FITNESS**

CATEGORY: **TESTING**

DATE: \_\_\_\_\_

TITLE: **PHYSICAL FITNESS TESTING** (system default for sub/cat)

Aerobic Event: (check one)	Time to complete event:	Percentile score from tables:
<input type="radio"/> 1.5 run		

1-minute Sit-ups	Number of sit-ups:	Percentile score from tables:

Max Push-ups	Number of push-ups:	Percentile score from tables:

--	--	--

**CHAPTER 114**  
**PERSONNEL FILES**

Chapter Revised 01/01/2012

**114.010 INTRODUCTION**

This chapter defines the personnel files maintained, what those files contain, where those files are kept, the retention of those files, and instructions for purging personnel files.

**114.020 CBS PERSONNEL FILES**

- A. *Definition - CBS personnel files.*** The City Human Resources Office maintains the official personnel files for Sitka Police Department employees. These files contain records for all employees. See CBS Personnel Policies Handbook Section 1.5 for contents of these files.

**114.030 SPD PERSONNEL FILES**

- A. *Definition - SPD personnel files.*** The Sitka Police Department Administrative Assistant maintains departmental personnel files for Sitka Police Department employees. These files contain records for all employees.
- B. *Contents of SPD personnel files.*** These files may include:
1. Copy of application submitted for employment.
  2. Personnel Actions and supporting documents: pay increases, position changes, assignment updates, etc.
  3. Leave records or documents regarding unusual leave transactions or audits.
  4. Training records.
  5. Emergency contact information.
  6. General correspondence.
  7. Commendations.
  8. Discipline letters and memos.
  9. Evaluations and rebuttals.
  10. Hiring and termination paperwork.
- C. *Information NOT maintained in SPD personnel files.***
1. Medical information.
  2. Grievance files or supporting documents.
  3. Human rights or EEO Complaint documents
  4. Administrative Investigations.
- D. *Retention of SPD personnel files.*** SPD personnel files will be kept at the Sitka Police Department until an employee is no longer with the department. At that time, the personnel file will be given to the City Human Resources Office to be maintained under the retention schedule of CBS personnel files.

**114.040 ANECDOTAL FILES**

- A. *Definition - Anecdotal files.*** Anecdotal Files are the working files for the supervisor's use in completing the annual evaluation. These files can be maintained in the supervisor's area.
- B. *Contents of anecdotal files.*** These files may include:
1. Anecdotal file notes.
  2. General correspondence, which might be used for the evaluation.

**C. Information NOT ALLOWED in anecdotal files.**

1. Medical information.
2. Grievance files or supporting documents.
3. Human rights or EEO Complaint files and supporting document.
4. Administrative Investigations.

**D. Retention of anecdotal files.** The Chief may set a retention schedule in cooperation with the City Human Resource Office. It is recommended that documents in the anecdotal file be retained for a minimum of two years. The file should be purged annually at the time of the annual evaluation. All purged documents will be destroyed. If an anecdotal note is subsequently referred to in a commendation or discipline document, it should be attached to that document.

#### 114.050 PERSONNEL MEDICAL FILES

**A. Definition - Medical files.** Medical files are files containing documentation of medical issues. These files are maintained separately from the employee's personnel files at the City's Human Resource Office.

**B. Contents of medical files.** These files may include:

1. Workers' Compensation / Jones Act claims.
2. Medical records – Annual physicals, doctor's reports or releases, etc.
3. Light Duty requests and documentation.
4. Bloodborne Pathogens records and investigations.
5. Vaccination records.
6. Claims or applications for disability benefits.

#### 114.060 ACCESS TO INFORMATION IN PERSONNEL FILES

**A.** Municipal personnel records, including employment applications and examination and other assessment materials, are confidential and are not open to public inspection except as provided below:

1. The following information is available for public inspection, subject to reasonable regulations on the time and manner of inspection:
  - a) The names and position titles of all municipal employees;
  - b) The position held by a municipal employee;
  - c) Prior positions held by a municipal employee;
  - d) Whether a municipal employee is in a partially exempt or exempt service;
  - e) The dates of appointment and separation of a municipal employee;
  - f) The compensation authorized for or received by a municipal employee; and
  - g) Time sheets submitted by a municipal employee.

**B. Subpoenas or Court Orders for personnel files or information.** All subpoenas or court orders for personnel files / medical files or information contained in them will be forwarded to the City Human Resource Office and the City Attorney's Office for processing.

**C. Access to confidential information.** The following persons may access confidential files without further authorization: Chief, Operations Lieutenant, and immediate supervisors.

**D. Employees to be provided copies of items placed in files.** Employees are to be provided with a copy of items placed in their personnel file and they may be provided copies of documents already in their personnel file. Refer any questions to the City Human Resources Office.

## **CHAPTER 115 RESERVE OFFICER PROGRAM**

Chapter Revised 01/01/2012

### **115.010 PURPOSE AND MISSION OF RESERVE OFFICER PROGRAM**

The Sitka Police Department recognizes that a reserve unit of well trained and equipped volunteers can make a significant contribution to the safety of our community. This chapter sets out the policies and procedures whereby qualified volunteers may assist the police in a uniformed capacity as police reservists.

This chapter provides guidance for the establishment, organization, utilization, training, recruitment and selection of personnel for a Police Reserve.

The mission of the Sitka Police Reserve Unit is to provide an organized group of well trained, uniformed volunteers to enhance police response in natural and manmade disasters, to assist in traffic and crowd control at public gatherings, to augment officers on patrol, and to support the implementation of a community orientated policing philosophy.

### **115.020 ORGANIZATION OF THE RESERVE UNIT**

- A. *Reserve program made up of qualified volunteers.*** The Reserve Program consists of qualified non-paid volunteer members, uniformed in a manner similar to Sitka Police Officers. Reservists will adhere to the Department's Chain of Command at all times and are subordinate to all commissioned Officers. Reservists will not have "rank" but may be assigned leadership designations commensurate with duties (i.e. Coordinator, Team Leader etc.).
- B. *Staffing determined by Chief.*** The staffing level of the Reserve Unit will be determined by the Chief. Staffing will reflect the needs of the Department, the number of reserve officers available, and funding to operate the unit.
- C. *Authority of reserve officers.*** The authority to assist law enforcement officers in the performance of their duties is granted by the city to duly appointed Police Reservists. Their scope of authority is normally limited to the jurisdictional boundaries of the City of Sitka. Reservists have the same arrest powers granted under AS 12.25.010 as any citizen of the State of Alaska.
- D. *Reservist to follow chain of command.*** During normal activities performed within the jurisdiction of the city, Police Reservists are expected to follow the established Department Chain of Command. The first person in this Chain of Command is the Field Training Officer the Reservist is assigned to work with, followed by the Shift Supervisor, the Lieutenant and the Chief.
- E. *Coordination of unit activities.*** Reserve Unit activities and functions will be coordinated through the Lead Reservist to the Police/Reserve Liaison Officer.

### **115.030 DUTIES OF POLICE/RESERVE LIAISON OFFICER**

The Police/Reserve Liaison Officer is an additional duty assigned to a commissioned officer. The officer who is assigned these duties shall be responsible for the coordination of all activities of the Reserve Program. This officer shall report to the Patrol Lieutenant regarding Reserve activities and/or administration.

The officer assigned these duties shall be responsible for administering the selection process for Reservists.

The Police/Reserve Liaison Officer will participate in Reserve meetings, planning, training sessions and other activities to ensure consistency and coordination with Department efforts.

**115.040 DUTIES OF LEAD RESERVIST**

The Chief will make the selection of the Lead Reservist with recommendation from the Police/Reserve Liaison Officer.

The Lead Reservist is the volunteer leader for the Reserve Unit and he/she reports via the Chain of Command to the Police/Reserve Liaison Officer and the Patrol Lieutenant.

The Lead Reservist may review, evaluate and report on the activities and progress of the Unit as directed by the Chief. He/She must keep the Department informed, via the Police/Reserve Liaison Officer, of all activities of the Unit.

The Lead Reservist shall coordinate activities, training and Department functions as required. Reserve meetings will be held bi/monthly. Regular attendance of Reserve meetings and training is required of all Reserve members.

**115.050 DUTIES OF RESERVISTS**

- A. ***Reservists augment and assist police officers.*** Reservists serve to augment and assist Police Officers in the performance of those duties customarily performed by officers in the Department, and are not intended in any way to displace Police Officers.
- B. ***Reservist required to complete FTETP.*** Reservists will work under the direct supervision of a Field Training Officer at all times, until the successful completion of the Field Training and Evaluation Program. After completion of the FTETP the Chief will conduct a performance evaluation meeting with the Reserve Liaison Officer and the FTOs and will determine if the reservist may ride solo or with a Police Officer on patrol.
- C. ***Reservists assigned by shift supervisor.*** Reservists may be assigned at the discretion of the shift supervisor to patrol duties (as approved in paragraph C), to assist in the jail, dispatch, or to other duties as required.
- D. ***Reservists to complete activity report.*** Reservists shall complete an activity report for all work performed. Activity reports shall be completed at the end of each period worked.
- E. ***Reservists expected to assist in disaster.*** Police Reserve members are expected to assist the community in case of natural or manmade disaster.
- F. ***Reservists expected to work two shifts per month.*** All Reservists are expected to work a minimum of two shifts each month. The Chief may grant exceptions to these rules for good reason. Any Reservist unable to participate in a required event will submit a reason for their absence to their supervisor.

**115.060 TRAINING**

The Department will provide initial and on-going training designed to meet the needs of the Reservist. Police training opportunities will be made available to Reservists whenever possible.

**115.070 SELECTION, APPOINTMENT AND QUALIFICATIONS OF RESERVISTS**

- A. ***Selection of reservists.*** Successful Reserve candidates will be appointed after a competitive selection process, background investigation and confirmation of minimum qualifications.
- B. ***Reservist minimum qualifications.*** The minimum qualifications for a Police Reserve are:
  - 1. United States Citizen (or resident alien who has demonstrated the intent on becoming a US Citizen);
  - 2. High School Graduate or Equivalent;
  - 3. No felony convictions or misdemeanor convictions of Domestic Violence;
  - 4. No misdemeanor convictions of moral turpitude within 5 years;

5. Good moral character; and,
6. No drug use per the standards of the Alaska Police Standards Council.

### **115.080 CLASSIFICATION OF RESERVISTS**

There are four levels of Police Reserves. Advancement to the next class/level shall be made by the recommendation of the Police/Reserve Liaison Officer to the Patrol Lieutenant.

#### **A. *Level 1 Reservists (Reserve Recruits).***

1. Level 1 Reservists (Reserve Recruit) - has been accepted into the Reserve Unit and is currently enrolled in a Basic Police Academy or a Mini Reserve Academy. Level 1 Reservists will only be allowed to ride along with Police Officers as an observer, and will not be allowed to perform any duties related to law enforcement unless instructed to do so by the Officer.
2. Level 1 Reservists will write a report on all activities they encounter while riding along with a Police Officer and should expect the possibility of court related subpoenas. Level 1 Reservists will not be in uniform and will be limited to “ride alongs” for training purposes only.

#### **B. *Level 2 Reservists.***

1. This level of Reserve is the field training and evaluation level. The Reservist has completed a Basic Police Academy or a Mini Reserve Academy and is enrolled in the Field Training and Evaluation Program. The Field Training Program will be of suitable length to ensure the Reservist has had training in key performance areas as approved by the Chief.
2. Level 2 Reservists will be evaluated each shift on their performance by the Police Officer assigned as their Field Training Officer (FTO). The Level 2 Reservists will ride only with their assigned FTO unless circumstances prevent it and a supervisor approves the deviation. Level 2 Reservists will be in uniform and will be expected to complete reports, use the radio and perform other law enforcement duties authorized by the FTO.

#### **C. *Level 3 Reservists.***

1. Level 3 Reservists will have completed a Basic Police Academy or Mini Reserve Academy, successfully finished the Department’s Reserve Field Training and Evaluation Program.
2. Level 3 Reservists may work any shift under the supervision of a Shift Supervisor.

#### **D. *Level 4 Reservists.***

1. Level 4 Reservists are retired Sitka Police Officers in good standing. Level 4 Reservists have held a Basic Police Officer Certificates in the state of Alaska. They are current in all of their training certifications.
2. Level 4 Reservists may work any shift. Level 4 Reservists may also work in any capacity that they had while working as a full time police officer with the Sitka Police Department, such as Patrol, Investigations, Domestic Violence Coordinator, Investigative Dive Unit, Marksman, etc..

### **115.090 EQUIPMENT**

- A. *Uniforms and equipment provided.*** All Reservists will be provided with uniforms and equipment by the Department.
- B. *Reservist IDs to be carried while serving.*** Reservists will be issued a Sitka Police identification card bearing their photograph and indicating their status as a Police Reservist. Reservists must carry the identification at all times while serving as a Reservist.

- C. **Reservist uniforms.** Reservist uniforms will be similar in appearance to uniforms worn by Sitka Police Officers, with the addition of a rocker on both shoulders under the Department patch bearing the word "RESERVE". Reserve members will be issued nametags with the title "POLICE RESERVE" under their name.

#### **115.100 OFF DUTY ACTION**

Reservists when not on duty should not attempt to take any police action on their own. In the event a Reservist takes enforcement action when off duty the Reservist shall notify the Shift Supervisor as soon as possible and provide a complete report of the incident. A Reservist will not hold any police powers while off duty, other than that of an ordinary citizen. Except as allowed to an ordinary citizen, a Reservist shall not carry a department issued or other firearm while off duty. If a Reservist has a concealed weapons permit, he/she shall not carry a department issued firearm while off duty.

#### **115.110 COURT APPEARANCES BY RESERVISTS**

Reservists will be required to appear in Court as a result of duties. Attire for court proceedings shall be the Reserve uniform, unless otherwise stated. Court time may be counted as monthly service time for Reservists.

#### **115.120 WORKERS COMPENSATION**

While on duty as a Reservist and acting within the scope and authority of their position, Reservists are covered under the city's workers compensation plan.

#### **115.130 DEVIATION FROM POLICIES**

The Chief may grant exceptions to any of the policies in this chapter when conflicts occur or when it is in the best interests of the City, the Department and the Reserve Unit to do so.

#### **115.140 TERMINATION OF RESERVISTS**

Reservists may be terminated from the program with cause. Upon termination the Reservist is expected to immediately surrender their identification, uniforms and all other equipment issued.

#### **115.150 DEFINITIONS**

**Police/Reserve Liaison Officer** -- Police Officer assigned the additional duties of coordinating the Reserve Program.

**Lead Reservist** -- the executive officer of the Reserve Program.

**Unit** -- the Sitka Police Reserve Unit.

**FTO** -- a Field Training Officer.

**FTEP** -- Field Training and Evaluation Program.

**CHAPTER 116**  
**DOMESTIC VIOLENCE**  
Chapter Revised 01/01/2012

**116.010 INTRODUCTION**

The Sitka Police Department has an important role in preventing, deterring, and reducing family violence. The problem of domestic violence cuts across all racial, cultural, and economic lines and results in the destruction of families, damage to communities, and physical and emotional problems for victims. The Department recognizes that intentional, purposeful acts of physical abuse by one family member against another are serious criminal offenses that cannot be condoned or tolerated.

Alaska law requires a police officer to make an arrest for most acts of domestic violence. It is the policy of the Sitka Police Department to actively employ this provision and to make arrests whenever authorized when incidents of domestic violence are encountered.

This chapter establishes guidelines and procedures to be followed in responding to incidents of domestic violence with the goals of reducing the incidence and severity of domestic violence by establishing arrest policies conforming to law; affording maximum protection and support to victims of domestic violence through a coordinated program of law enforcement and victim assistance; ensuring that law enforcement services are as available in domestic violence cases as they are in other criminal cases; promoting officer safety by ensuring that officers are as fully prepared as possible to respond to domestic calls; and reducing the number of police interventions required for any particular household.

**116.020 DOMESTIC VIOLENCE OFFENSES DEFINED**

- A. AS 18.66.990 domestic violence offenses.** AS 18.66.990 defines a domestic violence offense as a crime under AS 11.41 (murder, manslaughter, criminally negligent homicide, assault, reckless endangerment, stalking, kidnapping, custodial interference, sexual assault, sexual abuse of a minor, incest, unlawful exploitation of a minor, indecent exposure, robbery, extortion, and coercion), AS 11.46.300-310 (burglary), AS 11.46.320-330 (trespassing), AS 11.46.400-430 (arson and criminally negligent burning), AS 11.46.480-486 (criminal mischief), AS 11.56.810 (terroristic threatening), AS 11.56.740 (violating a domestic violence order), AS 11.56.745 (interfering with a report of a crime involving domestic violence), AS 11.56.750-755 (unlawful contact), or AS 11.61.120(a)(2)-(4) (harassment) when the victim is a household member. Household members include:
1. adults or minors who are CURRENT OR FORMER SPOUSES;
  2. adults or minors who LIVE TOGETHER OR HAVE LIVED TOGETHER;
  3. adults or minors who are DATING OR WHO HAVE DATED;
  4. adults or minors who are ENGAGED IN OR WHO HAVE ENGAGED IN A SEXUAL RELATIONSHIP;
  5. adults or minors who are RELATED TO EACH OTHER UP TO THE FOURTH DEGREE OF CONSANGUINITY, whether of the whole or half blood or by adoption (Generally parents, grandparents, aunts, uncles, and first cousins. Consanguinity is counted up to the common relative and then down again; thus a parent is the first degree, a grandparent the second degree, an aunt the third degree, and so on.);
  6. adults or minors who are RELATED OR FORMERLY RELATED BY MARRIAGE;
  7. PERSONS WHO HAVE A CHILD OF THE RELATIONSHIP; or
  8. MINOR CHILDREN OF A PERSON IN A RELATIONSHIP described under 1-7.
- B. Violations based upon Domestic Violence Writs and Protective Orders.** Several criminal violations are based upon the violation of conditions set out in domestic violence writs or protective orders. These include:
1. certain violations of domestic violence writs issued under AS 25.35.010(b) or 25.35.020 (prior to July 1, 1996) are separate criminal offenses [Ref. AS 11.56.740(a)(2)];

2. violations of provisions listed in AS 18.66.100 (c)(1)-(7) for protective orders issued under AS 18.66.100-180 are a separate offense under AS 11.56.740(a)(1). The provisions listed in AS 18.66.100 (c)(1)-(7) are:
  - a. threatening to commit or committing domestic violence, stalking, or harassment;
  - b. telephoning, contacting or otherwise communicating directly or indirectly with the petitioner;
  - c. removal and exclusion from the petitioner's residence, regardless of ownership;
  - d. staying away from the residence, school, place of employment of the petitioner, or any other specified place frequented by the petitioner or any household member;
  - e. entering a propelled vehicle possessed or occupied by the petitioner;
  - f. using or possessing a deadly weapon; or
  - g. not surrendering a firearm owned or possessed by the respondent.
3. Criminal Trespass in the Second Degree -- AS 11.46.330. Enter or remain upon premises or in a propelled vehicle in violation of a domestic violence writ;
4. Harassment -- AS 11.61.120 Communicating directly or indirectly with a person in violation of a domestic violence writ; and
5. Misconduct Involving Weapons in the First Degree -- AS 11.61.200(a)(8) during First or Second degree Trespass in violation of a Protective Order or a Domestic Violence Writ possesses a deadly or defensive weapon other than an ordinary pocketknife.

C. **Stalking -- AS 11.41.260-270.** A person commits stalking when they "knowingly engage in a course of conduct that recklessly places another person in fear of death or physical injury, or in fear of the death or physical injury of a family member." Stalking in the second degree is a Class A Misdemeanor. Stalking in the first degree is a Class C Felony and results when a person commits stalking in violation of a protective order or domestic violence writ or with certain other aggravating factors.

### 116.030 DOMESTIC VIOLENCE PROTECTIVE ORDERS

#### A. *Definitions used in this section:*

**Protective order** -- includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communications with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) [Ref. 18 USC 2265]. This includes provisions contained in divorce or dissolution orders or decrees.

**Foreign order** -- a foreign order is a court order that is issued by a court other than a State of Alaska court. Foreign orders include those issued by the courts of other states (such as Washington State) and of political subdivisions within other states (e.g. county courts); tribal governments; the District of Columbia; and of a commonwealth, territory or possession of the United States of America (American Samoa, Guam, Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands). See exception for Military protective orders in paragraph C 6.

**Full faith and credit** -- full faith and credit is a term which derives from the U.S. Constitution and the federal Violence Against Women Act that, in the context of domestic violence protective orders, means that law enforcement officers are to enforce protective orders issued by another jurisdiction as though they were issued by their own jurisdiction.

#### B. **Protective orders issued by the Alaska Court System.** Protective orders issued by the Alaska Court System in cases of domestic violence under AS 18.66.100-180 can take three forms:

1. **Regular Protective Order.** Issued after notice to the respondent and a hearing. Provisions of the order prohibiting the respondent from threatening to commit or committing domestic violence, stalking or harassment remain effective until further order of the court, other provisions remain in effect for six months unless earlier dissolved by the court. [Ref. AS 18.66.100]
2. **Ex Parte Protective Order.** An ex parte protective order can be issued without the respondent being notified or present at a hearing. Ex parte protective orders expire after 20 days. [Ref. AS 18.66.110(a)]

3. ***Emergency Protective Order.*** A protective order issued on the request of a police officer with the consent of the victim of a crime involving domestic violence. Emergency protective orders expire after 72 hours unless dissolved earlier by the court.

An officer can obtain an emergency protective order in person or telephonically from a Judge or Magistrate. The officer must complete a DV-112 form provided by the court. If the order is issued telephonically, the Judge and the officer will each fill out a DV-112. The Judge will authorize the officer to sign the Judge's name to the order. After the order has been issued the officer will serve the petitioner and the respondent, file the order with the court by the end of the next day, and see that the protective order is entered into the registry of protective orders.

**C. *Foreign protective orders.*** Foreign protective orders shall be enforced in the same manner as orders issued by Alaska Courts.

1. Charges for violation of a foreign protective order under AS 11.56.740 are valid only if the foreign order was filed with the Alaska Court System prior to the violation. If the foreign protective order has not been filed, an arrest cannot be made based on a violation of that order. Arrest can only be made if the provisions in the filed foreign order closely correspond to the provisions in AS 18.66.100 c (1-7). (See 116.020 B 2 for a list of authorized provisions.)
2. Officers can confirm that a foreign order has been filed with the Alaska Court System in two ways:
  - a. Check the APSIN registry of protective orders to confirm that the order is unexpired and has been filed with the Alaska Court System;
  - b. If APSIN is unavailable, check the copy of the order held by the victim (petitioner). If it has been recorded by the Alaska Court System it will bear a time and date stamp, the initials of the court clerk, and an Alaska Court System case number. The Officer also needs to confirm that the order on its face appears to be valid, has not expired, and has been served on the respondent unless it is an ex parte order.
3. Although the failure to file a foreign order prevents charges under 11.56.740, Officers should treat it in all other ways in the same manner as they would an Alaska order. Thus, for example, if the order allows the petitioner to retrieve clothing or property from the respondent the Officer should provide the same type of civil standby or other assistance that we would if the order were issued by an Alaska court.
4. If an Officer determines that an otherwise valid foreign protective order can not be enforced because the respondent has not been served with the order, the Officer shall inform the respondent of the order and make a reasonable effort to serve the order.
5. The full faith and credit provision is silent on the issue of child custody and child support orders. Officers should contact the on-call District Attorney regarding the enforcement of child custody and support provisions contained in foreign orders.
6. Military protective orders do not qualify for enforcement under full faith and credit.
7. Mutual protective orders are only enforceable if the respondent cross-filed a written pleading for an order and the issuing court made a specific finding that each party had abused each other.

**116.040 CHIEF OF POLICE RESPONSIBLE FOR DV RESPONSE OVERSIGHT**

- A. The Chief of Police is responsible for assuring that domestic violence incidents occurring in areas under SPD jurisdiction are handled in accordance with statute, regulation, and department policy.
- B. ***Appointment and Responsibilities of the Department Domestic Violence Coordinator.*** The Chief of Police, or his designee, shall act as the Department Domestic Violence Coordinator. The DV Coordinator duties may include:
  1. Recommend Department domestic violence policies and procedures;

2. monitor domestic violence activities within the jurisdiction of SPD;
3. review case reports of domestic violence incidents within the jurisdiction of SPD;
4. serve as a liaison with other involved local agencies, CDVSA, and domestic violence or victim assistance programs; and
5. identify and analyze trends, problems, or issues relating to domestic violence within the jurisdiction of SPD.

#### 116.050 RESPONSE TO DOMESTIC VIOLENCE CALLS

**A. *Dispatch.*** The actions of dispatch personnel upon receiving an initial report of a domestic violence incident have a significant impact upon the outcome of the incident. Dispatch personnel will comply with the following guidelines when handling these calls:

1. Dispatchers should accord domestic violence calls the same priority classification as other violent crimes. A high priority dispatch status should always be assigned to calls where there is evidence of an assault in progress, such as a scream or an interrupted call.
2. The dispatcher receiving a domestic call should attempt to find out from the caller, and should communicate to the responding officer, as much information concerning the nature of the incident, identities and current location of individuals involved, and the presence of weapons as time and the exigencies of the reported incident allow.
3. If the caller is the victim, or a witness to an incident in progress, the dispatcher should attempt to keep the caller on the telephone as long as possible and should tell the caller that help is on the way. Any updated information provided by the caller should be relayed to responding Officers.
4. The dispatcher should consult available department records (including APSIN) that indicate whether the parties involved in the incident have been involved previously in domestic incidents or that indicate the existence of a protective order, domestic violence writ, or conditions of release involving the parties in effect, and shall communicate any relevant information to the responding officer.

**B. *Scene investigation -- general Officer actions.*** The investigation of domestic violence incidents should focus on proving the offender's conduct, not merely on recording the victim's testimony. Experience has shown that many victims of domestic violence become reluctant or refuse to assist in a prosecution. The investigation should seek to uncover sufficient corroborating evidence so that a prosecution can proceed without the cooperation of the victim.

1. Officers investigating domestic violence incidents shall use the "Domestic Violence Incident Investigation Checklist" as a guide to conducting and reporting such incidents. Supervisors shall use the checklist as a guide when reviewing and approving reports of such incidents.
2. Upon arrival at the scene the Officer should take appropriate steps to assure the protection of the victim, the Officer, and any other person present.
3. If a weapon of any sort was used during the incident it should be seized and handled as evidence (e.g. bagged, tagged, and logged as evidence).
4. In addition to seizing any weapons actually used during the incident under B 3, if the Officer determines that it is necessary to protect the victim, the victim's family, the Officer, or the public during the investigation, the Officer may seize a deadly weapon in plain view, and if a deadly weapon was possessed or used during the domestic violence the Officer may seize all deadly weapons owned, used, possessed, or within the control of the alleged offender. If any weapon seized is not needed as evidence in a criminal case the law enforcement agency shall, within 24 hours of making such a determination, make the weapon(s) available for pickup by the owner during regular business hours. [Ref AS 18.65.515(b)]
5. Administer first aid and/or summon medical assistance as appropriate for any injured person(s).

6. Separate the participants so that each can be interviewed and examined privately.
7. Locate and identify other witnesses who were present during the disturbance including children or other residents. Assure that witnesses remain for interview.
8. The Officer shall collect and preserve all physical evidence reasonably necessary to support prosecution, including evidence substantiating the victim's injuries, evidentiary articles that substantiate the attack, and evidence recording the crime scene.
9. Evidence collection should include photos showing signs of struggle, damage or disruption to the scene or other evidence, such as broken items, which indicate the intensity of the conflict. Photos should also be taken of children present at the time of the incident.
10. The Officer is prohibited by AS 18.65.530(d) from threatening or suggesting the possible arrest of all persons involved in the same incident in a manner that would have a tendency to discourage future requests for law enforcement intervention.
11. If the dispatcher or the victim reveals the existence of a protective order or conditions of release covering the suspect, the Officer shall note carefully the restrictions imposed by the order or release to determine whether there is probable cause to support a charge of Violating a Domestic Violence Restraining Order [Ref. AS 11.56.740] or arrest for violation of conditions of release.
12. When a domestic violence incident leads to arrest, the officer should emphasize to the victim and to the accused, that the criminal action thus initiated is the State's action and is not based upon the wishes of the parties.
13. If the Officer books a person arrested for a domestic violence incident they must advise the jailers that this arrest resulted from a domestic violence incident and that the defendant is not eligible for release until they have appeared in person or telephonically in front of a magistrate or judge [Ref. AS 12.30.027 (e)].

**C. Scene investigation -- victim.**

1. Record the victim's location upon Officer arrival (e.g. "in driveway", "at the hospital emergency room").
2. Document the victim's physical and emotional state at first contact and note any changes that take place during the contact. Note in particular any injuries and any signs of struggle such as torn or bloodied clothing. Note the use of drugs or alcohol by the victim.
3. The Officer should ensure the victim's safety and privacy by interviewing the victim in an area apart from the assailant, witnesses, and bystanders. All on scene interviews shall be tape recorded where possible.
4. In questioning the victim, the Officer should use supportive interview techniques.
5. Conduct a recorded interview with the victim covering at least:
  - a. the details of this incident including any lesser incidents that lead up to it;
  - b. the nature of the relationship with the suspect (e.g. spouse, girlfriend, ex-boyfriend, engaged, etc.);
  - c. the current status of that relationship (e.g. separated, on-going, etc.);
  - d. length of the relationship;
  - e. any history of previous incidents involving domestic violence, their frequency and severity, the dates and locations, and whether police were involved;
  - f. if there are children, if the children have ever been the victims of abuse by the suspect;
  - g. the victim should also be asked if they are aware of earlier incidents of domestic violence involving another victim (e.g. ex-wife, former girlfriend, etc.);
  - h. whether the victim has ever applied for or received a protective order, including those that have expired or that were issued in other states;
  - i. whether the victim has copies of any current or expired protective orders;
  - j. whether the suspect is under any conditions of release from a prior domestic violence incident; and
  - k. the names of friends, relatives, or counselors with whom prior domestic abuse has been discussed.

6. Diagram any injuries to the victim noting the locations of pain or discomfort.
7. Have the victim sign medical records release forms for EMS run logs and medical records from hospitals or other medical providers to be consulted as a result of the incident.
8. Photograph the victim, including close-ups of any visible injuries.
9. Obtain from the victim any temporary address or telephone number. Officer should also obtain the names and contact information of two close friends or relatives who can locate the victim in the future. **IMPORTANT NOTE:** None of this information should be recorded in the official police report as the report may be disclosed to the suspect.
10. The Officer should not tell the victim what action will be taken until all available information has been collected.

**D. Scene investigation -- suspect.**

1. Record the suspect's location upon Officer arrival (e.g. "in driveway", "in basement", etc.).
2. Document the suspect's physical and emotional state at first contact and note any changes that take place during the contact. Note in particular any injuries and any signs of struggle such as torn or bloodied clothing. Note the use of drugs or alcohol by the suspect.
3. Diagram any injuries to the suspect noting the locations of pain or discomfort.
4. Photograph the suspect, including a full-body view and close-ups of any visible injuries.
5. Conduct a recorded interview with the suspect.

**E. Scene investigation -- witnesses.**

1. Conduct a recorded interview with the complainant if other than the victim. Include questions about prior incidents that the complainant may have witnessed or overheard.
2. Identify and separately interview all persons, including children, present at the scene and in the residence.
3. If interviewing children be sure to inquire into prior incidents as well as the current incident. Ask the children if they have been the victims of any abuse by the suspect.
4. The Officer should interview witnesses or other family members who were present or who although not direct witnesses to this incident have information on previous incidents involving domestic violence.
5. Record the names and affiliation of any EMS personnel responding to the incident.

**F. Follow-up investigation of domestic violence.**

Every incident involving domestic violence requires follow-up investigation as necessary to support prosecution. The investigation should aim to prove the suspect's actions without the necessity to rely upon the victim's testimony. This follow-up may be conducted by the originally assigned officer, or by another officer assigned the task.

1. Review the on-scene investigation, complete any steps omitted, and re-do any incomplete or inadequate investigative steps.
2. Obtain the victim's medical records if available. If releases were not signed at the scene have the victim sign a medical records release form for EMS run logs and medical records from hospitals or other medical providers they consulted as a result of the incident.
3. If there was a recording of a 911 or other emergency call obtain a copy of the recording for evidence.

4. Re-interview any of the witnesses as necessary to build a case that can be prosecuted without the cooperation of the victim.
5. Re-contact the victim to:
  - a. inform them of the status of the case;
  - b. obtain follow-up pictures of injuries, especially late developing bruises;
  - c. re-interview the victim, especially concerning any prior history of domestic violence; and
  - d. obtain copies of any written letters or notes received from the suspect after the incident.
6. Research prior incidents of domestic violence, including records from other police departments. Check the central registry and other files for the existence of current and prior protective orders or conditions of release.

## 116.060 THE ARREST DECISION

### A. *Arrest mandatory for crimes involving domestic violence.*

1. AS 18.65.530 requires that a peace officer, with or without a warrant, shall arrest a person if the officer has probable cause to believe the person has, either in or outside the presence of the officer, within the previous 12 hours: committed domestic violence (whether a misdemeanor or felony); committed the crime of violating a protective order under AS 11.56.740; or violated a condition of release imposed under AS 12.30.027. Three exceptions to mandatory arrest are provided:
  - a. for homicide under AS 11.41.100-130 (OPM 116.060 A 2);
  - b. for other offenses with the permission of the District Attorney (OPM 116.060 A 3); or
  - c. in cases with multiple offenders where there was a principal physical aggressor (OPM 116.060 A 4).
2. The homicide exception to mandatory arrest is provided to allow more freedom for the police and prosecutor to fully develop the criminal case before making an arrest. This delay is to allow the development of leads, examination of forensic evidence, service of search warrants, and leaves open the possibility of non-custodial interviews and interrogations of the suspect. It is allowed because protection of the deceased victim is no longer necessary.
3. Exceptional circumstances may occasionally exist which lead an officer to determine that an immediate arrest should not be made in an incident involving domestic violence. The law allows the District Attorney to grant such an exception [Ref. AS 18.65.530(c)]. An officer who makes the determination that an exception is justified is required to obtain a supervisor's and the District Attorney's approval for the non-arrest. The Officer is also required to provide complete documentation in a written case report as required in 116.060 D.
4. If an Officer receives complaints of domestic violence from more than one person arising from the same incident, the Officer shall evaluate the conduct of each person to determine who was the principal physical aggressor. If the Officer determines that one person was the principal physical aggressor, the other person(s) should not be summonsed nor physically arrested. Multiple arrests arising from the same incident should only be made where it is clear that both parties committed a crime, and where one party was not the principal physical aggressor. AS 18.65.530 (b) requires that the Officer consider the following factors in determining whether a person is a principal physical aggressor:
  - a. prior complaints of domestic violence;
  - b. the relative severity of the injuries inflicted on each person;
  - c. the likelihood of future injury from domestic violence to each person; and
  - d. whether one of the persons acted in defense of self or others.

An Officer determining that more than one party should be arrested is encouraged to consult a supervisor or the District Attorney prior to making multiple arrests. The reasons for the multiple arrests are to be documented as required in 116.060 D.

### B. *Authority for arrest.* Under AS 12.25.030, arrest is authorized without a warrant:

1. for a crime committed or attempted in the presence of the person making the arrest;
2. when the person has committed a felony, although not in the presence of the person making the arrest;

3. when a felony has in fact been committed, and the person making the arrest has reasonable cause for believing the person to have committed it; and
4. when a peace officer has reasonable cause for believing that the person has committed Violation of a Domestic Violence Restraining Order [Ref. AS 11.56.740], violations of conditions of release [Ref. AS 18.65.530], or any of the domestic violence offenses listed under AS 18.66.990 [Ref. 116.020] against any of the household member [Ref. 116.020 and AS 18.66.990].

**C. *Factors not to be considered in the arrest decision.*** In making the arrest decision in cases of domestic violence the officer should not consider the following factors:

1. the marital status of the parties;
2. the ownership of tenancy rights or either party;
3. verbal assurances that the violence will stop;
4. denial by either party that the abuse occurred when there is evidence of domestic violence;
5. speculation that the victim will not follow through or cooperate with criminal prosecution (whether based on prior incidents involving the same victim, the victim's hesitancy about pursuing prosecution, or any other factor);
6. speculation that the arrest may not lead to a conviction;
7. the absence of a current domestic violence protective order;
8. the victim's emotional state;
9. adverse financial consequences that might result from the arrest;
10. that the incident occurred in a private place;
11. the victim's opposition to arrest of the accused; or
12. the racial, cultural, social, political, or professional position, or the sexual orientation of either the victim or the accused.

**D. *Written explanation of non-arrest or multiple arrests in DV cases required.*** If the officer handling a domestic violence incident receives permission not to arrest from a supervisor and from the District Attorney, or if multiple arrests are made based on the same incident, a written incident report must be prepared that contains a detailed explanation of the reasons why an arrest was not made or why multiple arrests were made.

The documentation may provide a foundation for the issuance of a protective order, create a record with information relevant to future calls, or provide important facts for review, planning and training.

1. It is expected that non-arrest situations or multiple arrest situations will be very rare. The District Attorney is unlikely to allow non-arrest in all but the most exceptional cases.
2. Multiple arrests should occur only where it is impossible to determine the principal physical aggressor.
3. Reports of domestic violence incidents where arrests have not been made shall be forwarded immediately to the Lieutenant.

## 116.070 VICTIM ASSISTANCE AND NOTIFICATION

Victims of domestic violence often need emergency medical treatment, Officer standby while leaving the premises, assistance in getting the offender to leave if the victim is in lawful possession of the premises, assistance in locating alternative lodging, or transportation to a place of safety.

Due to lack of services in some remote communities, Officers cannot always provide all forms of assistance, however, whenever possible, concrete steps should be taken to help victims.

If the victim does not understand English, the responding Officer shall make reasonable efforts to inform the victim of the services and rights available to victims in a language the victim understands.

- A. **Officer required to protect victim and family members.** AS 18.65.515 requires a peace officer investigating a crime involving domestic violence to protect the victim and any member of the victim's family and to prevent further violence by:
  1. transporting an adult victim and any member of the victim's family to a location within the community where the offense occurred that is a shelter, a safe home, or another location in the community requested by the victim;
  2. assisting the victim in removing from the residence essential items belonging to the victim, such as clothing, vehicles, medication, personal records, and legal documents;
  3. assisting the victim and any member of the victim's family in obtaining medical treatment necessitated by the offense, by contacting emergency medical services or by transporting the victim to a local medical facility, if available in the community where the offense occurred; and
  4. providing notice of the rights of victim's and services available to victim's of domestic violence. [Ref. 116.070 B]
- B. **Officer required to provide certain information to victims of domestic violence.** Under AS 18.65.520, an Officer must inform victims of domestic violence, both orally and in writing, of services available to victims and the rights of victims.
  1. A responding Officer shall have available the Information for Victims of Domestic Violence booklet.
  2. Documentation that the information form was provided to the victim of a domestic violence incident must be included in the written report of the incident. The Officer may include a copy of the form presented to the victim as an attachment to the report, or may include a paragraph in the body of the report indicating that the information was provided.
- C. **Officer to explain DV protective order application.** A responding Officer shall inform the victim of the process for applying for a protective order, including that the writ is available 24 hours a day, that application forms for writs are available at the courthouse, that an attorney is not required for processing the application, and that the Officer can apply for an Emergency Protective Order on behalf of the victim. (Ref. 116.030).
- D. **Officer to advise victim of reason for non-arrest.** If arrest is not authorized because of the absence of probable cause to believe that a crime was committed, or if arrest is authorized but not made (for reasons to be detailed in the incident report), the Officer should explain to the victim the reasons that arrest is not being made.
- E. **Officer to notify and assist victim if charges filed.** If an arrest is made, or an arrest warrant obtained, the Officer should:
  1. advise the victim of what procedure will happen next, including the possibility that the accused will be in custody for only a short period of time but that the offender will be required to appear before a magistrate in person or telephonically before release;
  2. obtain the address and telephone number where the victim can be contacted if the victim decides to leave the residence (being careful that the accused cannot overhear);

3. obtain from the victim information to be included in the arrest report indicating any special conditions of bail that should be requested; and
4. provide the victim with the case number, the Officer's name, a follow-up telephone number, and the name of the follow-up investigator if it will be someone other than the responding Officer.

F. Victim shall be notified upon release of incarcerated person charged with domestic violence. (check statute #)

#### **116.080 ELDERLY & DISABLED ADULT VICTIMS/ DEPENDENTS**

When a victim of domestic violence is elderly (65 or older) or a disabled adult (a person over 18 who has a physical or mental disability or impairment as defined by statute), or when the accused or the victim of domestic violence is the sole caretaker of a physically dependent elder or disabled adult and the person can no longer provide care (as, for example, when the victim is hospitalized or when the accused is arrested), the responding Officer should determine whether the elder or disabled adult is physically endangered, either as a result of the abuse, a preexisting medical condition, or the removal of a caretaker.

If the elder or disabled adult is physically endangered, the Officer should determine (by asking a mentally alert elder or disabled adult, or by asking the victim or accused) whether there is responsible friend or relative who can be contacted immediately to provide care. If there is no one available to care for the elder or disabled adult, the Officer should transport, or arrange for someone else to transport, the elder or disabled adult to a medical facility or other appropriate location.

In addition to providing the victim notification required by other provisions of this policy, if the victim is an elder, under AS 47.24.010 the Officer must make a report of harm within 24 hours to the Office of Children Services.

#### **116.090 CHILD VICTIMS & DEPENDENTS**

- A. ***OCS notification required for child victims.*** When the victim or witness of abuse is a minor child, the Officer must immediately report the harm to the nearest office of the Office of Children Services. [Ref. AS 47.17.020 and AS 47.10.011(8)(ii)]
- B. ***Officer to escort injured child to medical facility.*** If the child victim of domestic violence is physically injured, the Officer should escort the child to the nearest medical facility for treatment. If a non-offending adult caretaker of the child is available they should accompany the injured child to the medical facility.
- C. ***Officer to provide notice to caretaker of abused child.*** The Officer should provide victim notification as described in 116.070 (B) to an adult caretaker (who is not the perpetrator of the abuse) of a child victim of domestic violence.
- D. ***Officer to assure dependent care.*** If the accused is arrested and was the sole caretaker of a child, or the victim is the sole caretaker of a child and can no longer provide care (as, for example, when the victim is hospitalized), the Officer should determine (for example, by asking the victim or mature child) whether there is a responsible relative who can care for the child and, if so, should contact that relative and await the relative's arrival.

If no responsible relative is available, the Officer should contact the Office of Children Services and either remain at the residence until a social worker arrives or transport the child to a location designated by OCS. If the Officer is unable to contact OCS, the child should be transported to a place of safety and the Officer should continue efforts to reach OCS.

#### **116.100 EMPLOYEE AS VICTIM OF DOMESTIC VIOLENCE**

- A. ***Law enforcement response to employee victim is the same as other victims.*** SPD employees who are the victims of domestic violence (victims of a crime of domestic violence or plaintiffs in a Domestic Violence Protective Order) shall receive the same law enforcement response (e.g. investigation, decision to arrest, service and recording of process) as other similarly situated victims.

- B. *Protection of victim.*** The department should make every effort to assure that the victim employee is protected from harm or harassment while at the workplace or on the job. Whenever possible, actions taken to protect a victim employee should be developed with that person's concurrence.
1. For employees whose duties involve public contact, consideration should be given to the assignment and scheduling of the employee to minimize situations where the respondent / defendant can make contact with the victim.
  2. If the victim employee is an officer, precautions against that officer being lured into contact with the respondent / defendant through false or deceptive calls should be taken.
  3. The Department should make appropriate notification of receptionists and others who control entry to a secured facility where a victim employee is working.

### **116.110 EMPLOYEE AS SUSPECT, DEFENDANT, OR RESPONDANT IN DV CASE**

Nothing in this section should be construed as limiting actions by the Department that may be authorized by contractual agreement, regulation, or statute.

When an SPD employee is a respondent, suspect, or defendant in a domestic violence action they will receive the same law enforcement response (e.g. investigation, decision to arrest, service and recording of process) as any other similarly situated citizen. They will receive no special leniency or exceptions to normal practice because of their employment with the department. All of the standards set out elsewhere in this Chapter for arrest and investigation where allegations of domestic violence are present will be followed. In addition, the following provisions shall also apply:

- A. *Supervisor to be notified of employee involved DV.*** When an officer responding to a DV incident determines that the suspect or defendant is an SPD employee they shall immediately notify a supervisor. If no supervisor is available the officer shall make the supervisory notification to the Chief required under 116.094 B2.
- B. *Supervisor response to notification of employee involved DV.*** Upon receiving notification that an SPD employee is involved as a suspect or defendant in a DV incident, the supervisor shall do the following:
1. If the suspect / defendant employee is an SPD officer a supervisor shall immediately respond to the scene. Upon arrival, the supervisor is responsible to see that the incident is handled in strict compliance with all applicable laws and department policies.
  2. The supervisor will make prompt notification of the incident to the Chief.
- C. *Seizure of defendant officer's issue weapons and other gear.*** If an SPD officer is arrested as a result of a DV incident any issue firearms, badges (including flat, hat, and breast badges), credentials, or SPD vehicles in his possession shall be seized and returned to the post pending a determination of status under OPM 116.094 E.
- D. *Duty assignment and possession of firearms by officers subject to DVPO or defendants in DV matters.***
1. Officers who are respondents to a DVPO or are defendants awaiting trial on DV charges may be placed in special duty assignments or leave status and may have their authority to carry firearms and badges or to possess department equipment and identification restricted. As the specific circumstances vary for each officer subject to this section, so will the actions of the Department.
  2. In general, if an SPD officer is subject to a DVPO or is awaiting disposition on a charge of a domestic violence misdemeanor, they shall be prohibited from possessing department issued firearms, ammunition, badges, credentials, or vehicles except while actually on duty. Depending on the specific allegations or circumstances involved, the Department may choose not to exercise the "official use" exemption to any firearms prohibitions and may restrict the officer's use or possession of other department equipment including uniforms, badges, and credentials while on duty.

3. Officers who are respondents to a DVPO or who are defendants in a domestic violence misdemeanor will normally receive written departmental orders requiring that they comply with all conditions placed upon them by the court. Additionally, they will usually receive specific written directions concerning their duty status and possession of DPS badges, property, firearms, and other equipment.

E. ***Court appearances to be on personal time.*** Officers who are appearing in court as respondents to a DVPO or as a defendant in a domestic violence criminal matter shall comply with OPM Section 109.040.

#### 116.120 SERVICE OF DOMESTIC VIOLENCE PROTECTIVE ORDERS

A. ***DV protective order service is a department priority.*** Service of domestic violence protective has high priority. Until personal notice has been served on an offender, the writ does not provide protection or assistance to the victim. Therefore, once the court has issued a domestic violence writ, every reasonable effort will be made to serve the order on the offender at the earliest possible opportunity.

B. ***Officer to be familiar with DV protective order before service.*** Before attempting service, the Officer should read the domestic violence protective order thoroughly to determine what situation may be confronted while making service, and to find out if the Officer is required to do anything in addition to making service.

C. ***Time and place of service.*** Domestic violence protective orders can be served at any time of day and any place the person to be served can be located. However, the writ is not a search warrant, so unauthorized entries or intrusions to effect service should not be made. If a situation is encountered where a search warrant would be needed to enter a residence or vehicle, and the Officer is positive the person is inside, special permission can be obtained from the judge to force entry.

D. ***Person served must be conscious.*** The person being served must be conscious, but need not be sober. If the person is not sober or does not appear to understand an explanation of the order, these observations should be noted on the back of the "return" for the court's information at future hearings.

E. ***Officer to explain order to person served.*** Whenever reasonable, the Officer should explain the domestic violence protective order to the person being served, and explain in detail the section where the judge has ordered the person to do or not do, something. The Officer should not just hand the writ to the person and leave, unless the person is so uncooperative or so incapacitated that attempts to explain are pointless.

#### 116.130 ADMINISTRATION OF DOMESTIC VIOLENCE PROTECTIVE ORDERS

A. ***SPD to notify other law enforcement agencies upon notice of issuance of DV protective order.*** When the Department is notified that a domestic violence protective order has been issued, immediate notification of the order must be conveyed to all appropriate law enforcement agencies.

B. ***Dispatch to maintain file of DV protective orders.*** Dispatch is responsible for maintaining an alphabetical file of domestic violence protective orders for reference.

When a domestic violence protective order is initially received for service, a copy of the order shall immediately be placed in the file, and shall immediately be entered into APSIN.

After service of the writ (or when it is returned as unserved), a copy of the "return" shall be attached to the file copy of the domestic violence writ.

#### 116.140 VIOLATION OF BAIL RELEASE CONDITIONS IN DV CASES

After initiation of a criminal charge in a domestic violence case, the judge has the authority to set conditions of bail release designed to prevent further violence. To facilitate the setting of appropriate bail conditions information received from the victim relating to appropriate or necessary conditions of release should be conveyed by the Officer to the prosecutor's office prior to arraignment.

Judges are required to take special factors into consideration, and may apply special conditions of release in cases of stalking [Ref. AS 12.30.025] or cases involving domestic violence [Ref. AS 12.30.027].

- A. *Conditions of release to be immediately recorded.*** If a court issues conditions of release on a domestic violence case under AS 12.30.027 the court is required to provide a copy of the release conditions to the arresting agency. When conditions of release documentation is received from the court it is to be immediately processed:
  - 1. by entry into APSIN; or
  - 2. by placement in a manual file accessible 24 hours by dispatch.
  
- B. *Officers shall arrest for violation of conditions of release.*** If an Officer becomes aware that conditions of bail release set under AS 12.30.027 have been violated within the preceding 12 hours the Officer shall make an immediate arrest of the person [Ref. OPM 116.060 A1]. In cases where an immediate arrest is not made, the Officer shall provide the prosecutor's office with documentation of the bail violation.

#### **116.150 ATTACHMENTS**

- A. *Domestic Violence Investigation Checklist***
  
- B. *Medical Records Release (Victim of DV)***

# DOMESTIC VIOLENCE INCIDENT INVESTIGATION CHECKLIST

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_ Case Number: \_\_\_\_\_

Officer(s) Assigned: \_\_\_\_\_

Victim: \_\_\_\_\_ Suspect: \_\_\_\_\_

## A. Immediate Actions:

- 1. Assure safety of victim and officer.
- 2. Seize any weapon used during the incident. Preserve as evidence.
- 3. Impound other weapons if necessary for safekeeping.
- 4. Administer first aid and/or summon needed medical assistance.
- 5. Separate participants.
- 6. Locate, identify, and retain any witnesses.
- 7. Seize and preserve any evidence at scene. Include objects used as weapons, blood stained clothing, or similar.
- 8. Note and photograph any signs of struggle, damage, or disruption to scene that help demonstrate level of violence.

## B. Victim:

- 1. Describe the victim's location upon arrival.
- 2. Record any spontaneous statements made by the victim. Tape record if possible, otherwise keep complete entries in notebook.
- 3. Describe the victim's emotional condition.
- 4. Describe the victim's physical condition, use of drugs or alcohol and especially any injuries noted.
- 5. Conduct tape recorded interview with the victim. Include:
  - a. details of this incident;
  - b. nature of relationship with suspect;
  - c. current status of relationship with suspect (e.g. ex-, separated, on-going, etc.);
  - d. length of relationship;
  - e. history of prior incidents of domestic violence including dates, locations, and police involvement;
  - f. protective orders, including those that have expired or that were issued in other states;
  - g. conditions of release from prior incidents; and
  - h. names of friends, relatives, or counselors with whom prior abuse has been discussed.
- 6. Diagram any injuries to the victim.
- 7. Photograph victim incl. close-ups of any injuries.
- 8. Ask victim to sign medical records release forms.
- 9. Complete and explain the "Information for Victim's of Domestic Violence" form. Record the provision of this form. (116.070 B)
- 10. Instruct victim on application for protective order and possibility of emergency order. (116.070 C)
- 11. Record in notebook any temporary address or telephone number of victim. Also names and contact information for two friends or relatives who can locate victim in the future. (This information should not appear in any official report.)
- 12. Assist victim and family members with transport or medical treatment. (116.070 A)

## C. Suspect:

- 1. Describe the suspect's location upon arrival.
- 2. Record any spontaneous statements made by the suspect. Tape record if possible, otherwise keep complete entries in notebook.
- 3. Describe the suspect's emotional condition.
- 4. Describe the suspect's physical condition, use of drugs or alcohol, and any injuries noted.
- 5. Diagram any injuries to the suspect.
- 6. Take full-body photo of suspect and close-up photos of any injuries.
- 6. Conduct tape recorded interview with the suspect.

## D. Witnesses:

- 1. Interview the complainant if other than the victim..
- 2. Identify and interview separately all persons present, including children.
- 3. If interviewing children be sure to inquire into prior incidents as well as the current incident.
- 4. Record the names of any EMS personnel responding.

## D. Arrest:

- 1. If multiple complaints, "primary physical aggressor" determined considering:
  - a. prior complaints of domestic violence;
  - b. the relative severity of the injuries inflicted on each person;
  - c. the likelihood of future injury from domestic violence to each person; and
  - d. whether one of the persons acted in defense of self or others.
- 2. If non-arrest, victim advised of reason (116.070 D).
- 3. Victim notified if defendant released from non-correctional facility (116.070 F).

## E. Follow-up:

- 1. Review on-scene investigation, complete omitted steps, and re-do incomplete or inadequate investigation.
- 2. Notify nearest domestic violence program. (116.070 E)
- 3. Obtain medical records.
- 4. Obtain copy of any 911 recordings.
- 5. Re-interview witnesses as necessary.
- 6. Re-contact victim to:
  - a. inform victim of case status;
  - b. obtain follow-up photos of injuries to victim; and
  - c. re-interview victim, especially concerning prior history of domestic violence.
- 7. Research prior incidents, including records from other police agencies, protective orders, and files for conditions of release.

**SITKA POLICE DEPARTMENT**

**AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION**

I hereby authorize: \_\_\_\_\_  
 (Doctor/Clinic/Hospital/EMS provider) (Phone Number)

\_\_\_\_\_  
 (Address)

\_\_\_\_\_  
 (City) (State) (Zip)

to release copies of any information from all my medical records which are presently on file at:  
 \_\_\_\_\_ or elsewhere. This authorization is a  
 continuing one and is valid until I revoke it in writing. I authorize the release of said material to:

Sitka Police Department  
 Attn: \_\_\_\_\_  
 304 Lake Street  
 Sitka, AK 99835

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Patient's Name: \_\_\_\_\_ DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

Parent's Name (if minor): \_\_\_\_\_

Former Name(s): \_\_\_\_\_

Period of Treatment: \_\_\_\_\_

Medical Record / Account Number: \_\_\_\_\_

\_\_\_\_\_  
 Signature (Patient OR authorized person)

\_\_\_\_\_  
 Relationship to Patient

\_\_\_\_\_  
 Date

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## **CHAPTER 117 CHILD ABUSE**

Chapter Revised 01/01/2012

### **117.010 INTRODUCTION**

This policy reflects the Department's zero tolerance approach to child abuse and neglect in the City and Borough of Sitka and the standards for response to and investigation of such reports of abuse.

### **117.020 DEPARTMENT STANDARDS**

The Sitka Police Department recognizes its important role in responding to crimes committed against children, which include child sexual abuse, physical abuse, exploitation, and neglect. The problem of child abuse cuts across all racial, cultural, and economic lines and impacts all areas of our society especially its young victims. The Department recognizes that the abuse and neglect of children is a serious crime that cannot be condoned or tolerated. Some cases of child abuse occur inside the family setting with Domestic Violence laws and policies also directing the response of law enforcement.

This chapter establishes guidelines and procedures to be followed in responding to incidents of child abuse or neglect with the goals of reducing the incidence and severity of child abuse by establishing investigative policies conforming to law; affording maximum protection and support to victims of child abuse and neglect through a coordinated program of law enforcement and victim assistance; to ensure that child abuse and neglect cases are immediately and properly investigated; assuring that law enforcement services are as available in child abuse cases as they are in other criminal cases; coordinating the response by law enforcement and Office of Children Services to child abuse and neglect cases to reduce the duplication of investigative steps and allow each discipline to work in a multidisciplinary team setting so that investigations will compliment and not interfere with each other.

### **117.030 CONFIDENTIALITY OF OCS REPORTS OF HARM**

OCS Reports of Harm are confidential under AS 47.17.040 which exempts those reports from public inspection and copying under AS 40.25.110 and 40.25.120. Federal regulations [45CFR 1340.14(i)] prohibit disclosure of the names of persons acting as complainants in reports of harm. Further, SPD employees are reminded that AS 47.25.120 protects case reports and other records from public inspection and copying and are referred to OPM 206.060 for procedures governing release of SPD case reports.

- A. *Protection of complainant names.*** SPD employees shall protect the names of complainants appearing in OCS Reports of Harm by:
  - 1. not listing the complainant appearing on the OCS Report of Harm as a complainant through SPD case report person role codes;
  - 2. not mentioning a person's role as a complainant in the text of the investigation; and,
  - 3. not revealing the identity of a complainant to any other witness.
- B. *Release of complainant names to other agencies.*** SPD will not share OCS report of harm complainant information with other agencies except another law enforcement agency that has policies in place assuring the protection of this information.

### **117.040 RESPONSE TO REPORTS OF CHILD ABUSE**

- A. *Reports of child abuse to be expeditiously investigated.*** Whenever SPD receives a report of child abuse or neglect within SPD jurisdiction, it shall be expeditiously investigated.
- B. *Reports to be immediately screened and assigned.*** All reports of suspected child abuse or neglect should be immediately forwarded to a shift supervisor or other designated person. All reports should be immediately screened, prioritized and assigned for investigation if a criminal offense is suspected.

- C. *Contact with complainant or victim to be rapid.*** Every effort will be made to contact complainants or victims of child abuse cases immediately or within 24 hours of the initial report to schedule an interview with law enforcement.
- D. *Benefits of rapid response.*** Immediate contact with the complainants or victims in child abuse cases will enhance the law enforcement investigation by:
1. Determining the need for a forensic physical examination. Officers may consult their local Child Advocacy Center, medical facility, or forensic nurse in an effort to determine the need for an examination.
  2. Determining the identity and location of the suspect.
  3. Determining if there are other potential victims and ensure their safety.
  4. Identify, locate and preserve crime scenes as well as other evidence, to include photos of injuries, etc., relating to the crime.
  5. Providing referral to address medical needs, counseling or advocacy needs and other appropriate agencies such as OCS.
- E. *Prioritizing reports.*** The highest priority will be given to reports of recent incidents of suspected abuse less than one week old and cases where the alleged offender may still have contact with the victim (persons living in the same home, etc.) If these cases can not be responded to within 24 hours the Operations Lieutenant will be informed. In cases where the report is made within 72 hours of an alleged sexual offense it is important to schedule a physical examination immediately. SPD will make every effort to coordinate the investigation and have law enforcement present to conduct the initial interview prior to the examination.

Reports involving suspected child abuse which are not recent in nature should be responded to with at least initial contact with the complainant within 24 hours whenever practical. The initial contact can be made by telephone or in person to arrange an interview or other appropriate investigative measures. When unforeseen circumstances prevent initial contact from being made with a complainant in a not recent child abuse case within 7 days of the initial complaint, the Chief will be kept apprised of the situation.

- F. *Required notifications.*** The nearest OCS Office is to be immediately notified whenever there is cause to believe that any child has suffered harm as a result of abuse or neglect. (Ref. AS 47.17.020 and 025).

In addition notification to OCS also needs to be made when minor children are exposed to domestic violence as a result of conduct or conditions created by the parent, guardian or custodian.

#### 117.050 INVESTIGATIVE PROCESSES

- A. *SPD has investigative responsibility.*** Within its jurisdiction SPD has the responsibility to investigate reported child abuse. Upon request SPD may assist other law enforcement agencies with such investigations.
- B. *Investigation to precede OCS contact.*** The initial investigation and interview of the alleged offender should be accomplished prior to any OCS contact with the alleged offender. Investigators should work closely with OCS workers so police investigations and Child In Need of Aid proceedings compliment each other.
- C. *Victim interviews.*** The investigating Officer shall attempt to coordinate the victim interview to avoid multiple interviews of the child. The investigating officer will make every effort to ensure the victims safety and if possible avoid immediately notifying the alleged offender(s) of the report until the appropriate time in the investigation. When questioning the victim, the officer should use supportive interview techniques. Approved guidelines (such as those provided by Child Advocacy Centers) should be followed when interviewing child abuse victims.

- D. *School interviews of victims.*** When necessary to protect the well being of the child victim the investigating officer may choose to interview the child at school without prior notification of the parent(s) or legal guardians. The investigating officer will inform the school officials of the Duties of School Officials under AS 47.17.027 which allows OCS and law enforcement to interview child victims at school without prior notification of parents when such notification could endanger the child. When children are interviewed at school by SPD without prior parent notification, a parent will be notified as soon as practical immediately following the interview unless such notification will cause an unnecessary interference to a criminal investigation. The parent notification should be coordinated with OCS when possible.
- E. *Victims rights information to be provided.*** Victims and / or their parent or guardian will be given both oral and written information about Violent Crimes Compensation [Ref. AS 18.67.175 b]. In cases where Domestic Violence Laws and policies apply, victims will also be given information and assistance for Victims of Domestic Violence. This information will be documented in the written report [Ref. AS 18.65.520].
- F. *Witness interviews.*** The investigating officer should identify and interview any witness who may have information about the incident or circumstances. Any person to whom the victim disclosed the abuse to should be interviewed with the greatest priority being given to the first person that the victim told.
- G. *Suspect interviews.*** Suspect interviews should be video recorded when ever practical. An audio recording should also be made in conjunction with the video recording. Miranda should be read to suspects when custodial situations apply. Investigators may consult the District Attorney for questions concerning Miranda.
- H. *Advisements to juvenile suspects.*** Officers will advise juvenile suspects of their right to have their parent(s) and/or adult guardian present for an interview in addition to Miranda if applicable. Officers will also consider whether or not the alleged offense and the juvenile suspect's age may qualify for the case to be waived to adult court.

#### 117.060 COOROBORATING EVIDENCE

The investigation of child abuse incidents should focus on proving the facts and not merely on recording the victim's testimony. Experience has shown that many victims of child abuse become a reluctant witness or recant their statements before the case goes to court. The investigation should seek to uncover sufficient corroborating evidence so that a prosecution can proceed without the cooperation of the victim if necessary.

- A. *Glass warrants in child abuse investigations.*** Court authorized Electronic Monitoring and Recording Warrants, commonly referred to as "Glass Warrants," may be obtained to record person to person or telephone conversations between a suspect and victim or other person (victim's parent or friend). Experience has shown that this tool is very helpful in obtaining truthful information about the alleged criminal offense. This is particularly true in sexual abuse or sexual assault crimes where there are rarely any eyewitnesses or other corroborating evidence. Glass Warrants should be utilized before contact with the suspect by any agency or person. Investigating Officers should familiarize themselves with the local court and District Attorney's procedures for applying for, sealing, serving, and returning a glass warrant.
- B. *Collection of evidence from the scene.*** Investigating officers should attempt to identify all items of physical evidence and crime scene location(s) through the details obtained from the victim and witness interviews.

Evidence may include documentation of injuries, fingerprints, footprints, clothing, bedding, other fabric items such as towels or washcloths, biological fluids, hairs, trace evidence, foreign objects, lubricants, photographs, video recordings, computers, weapons, bondage materials such as tape or rope, etc..

Photographs documenting evidence, the scene location and conditions and the surrounding areas should be obtained. Details obtained during the interview can be corroborated by photographs by simply documenting the details or locations of specific items that may or may not have been used during the incident. Photo documentation and scene evidence collection is important in all abuse cases including delayed reports. A photograph of the victim should be taken to accurately depict the victim's appearance at the time of the incident including injuries. A Medical Practitioner or forensic nurse may take additional evidentiary photographs if applicable.

Assistance in the seizure and examination of computers and other electronic media may be obtained by contacting the Alaska State Troopers Criminal Investigation Bureau White Collar Crime Section.

- C. *Collection of physical evidence from victim.*** The need for a physical examination and/or sexual assault evidence collection kit to be obtained from a victim will depend on the allegations, elapsed time between the offense and investigation and the cooperation of the victim. As a guideline examinations are usually done when the report is made within 72 hours of an alleged sexual offense. This will vary from case to case depending on the severity of the incident and availability of services in a geographic location. Under no circumstances should the victim or their insurance pay for the forensic examination requested by the investigating officer.

The clothing that the victim was wearing at the time of the offense should be collected as evidence and submitted for examination when the possibility of trace evidence exists. Any items that a suspect gave a victim should also be collected as evidence.

- D. *Collection of physical evidence from suspect.*** When appropriate, investigating officers should apply for a search warrant for the body of the suspect. The warrant should be obtained to collect items listed in a sexual assault suspect evidence collection kit which may include: swabs, hairs, fibers, nail scrapings, DNA sample (buccal swab), clothing and photographs of the suspect. Investigating officers should become familiar with the local procedures in applying for a search warrant by contacting the local court and District Attorney's office.

Investigating officers will determine the appropriate timing of the execution of any search warrants, the interview of the suspect and other investigative steps, keeping Miranda requirements in mind. An audio recording should be made of all contacts and interviews with suspects.

- E. *Examination of computers and electronic media.*** Computers and electronic media containing evidence in child abuse cases or suspected child pornography will be examined by certified forensic computer examiners.

#### **117.070 ARREST DECISION**

Investigating officers will work closely with the District Attorneys office in determining if and when to arrest a suspect in a child abuse case and/or how to proceed after the initial investigation is complete. Coordination with OCS will also be necessary when the alleged perpetrator may have contact with the victim or other minor children.

#### **117.080 CHILD ABUSE CASE REPORTING**

- A. *All OCS reports of harm to be documented with case number.*** All OCS reports of harm involving children should have a case number drawn to document the persons involved, complaint, action taken and outcome.
- B. *All allegations of criminal conduct to be documented in case report.*** All incidents reported to SPD alleging a criminal offense committed against a child will be documented through a written case report. The size and content of the report will vary depending on the allegations and department policies.
- C. *Cases to be forwarded to DA.*** All reports that involve an allegation of child abuse that contain a disclosure by a child who identifies a suspect or when the case is corroborated by physical or circumstantial evidence should be forwarded to the District Attorneys office to review for charges. Officers shall coordinate with the local District Attorney's Office regarding the timeline for submission of reports.
- D. *Closing cases as unfounded.*** Officers may determine an alleged offense is unfounded if the investigation clearly shows that no offense occurred or was attempted.

Cases may not be closed as unfounded due to:

1. a lack of cooperation by the victim;
2. the victim giving inconsistent or untrue facts;
3. a delay in the reporting to police;
4. lack of physical injury;

5. the victim recalls additional facts;
6. the victim is vague about the details of the assault;
7. no suspect identification;
8. the difficulty of the investigation; or,
9. the victims' substance abuse, runaway status or criminal history.

#### 117.090 SHARING OF INFORMATION

- A. **Case reports to be shared with other agencies.** Release of information in cases under investigation will be limited to OCS, the District Attorney's Office, and approved law enforcement agencies that can demonstrate a valid interest in the case. Reports and records will only be released when the disclosure of the information in the report will not jeopardize an ongoing investigation. (Ref. OPM 206.050)
- B. **Intelligence information on child sexual abuse.** The Alaska State Troopers Criminal Investigation Bureau Intelligence Unit is available to receive, store, and disseminate to criminal justice agencies intelligence information on sex offenders and commercial sexual exploitation operations. If during the investigation of child abuse/exploitation, SPD members determine possible criminal behavior outside of Sitka, they shall transmit the information to the CIB Criminal Intelligence Unit.

#### 117.100 CUSTODY OF ABUSED / NEGLECTED CHILDREN

OCS may take emergency custody of an abused child. Department members are required to assist in such matters at the request of OCS. (Ref AS 47.10.142)

SPD will work with the local OCS office to ensure that any child who may be in danger is protected to the best of our ability.

#### 117.110 INFORMATION

- A. **Definitions** as used in this Chapter:
  1. **Child** -- means a person less than 18 years of age.
  2. **Child abuse or neglect** -- means the physical injury or neglect, mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under the age of 18 by a person under circumstances that indicate that the child's health or welfare is harmed or threatened thereby; in this paragraph "mental injury" means an injury to the emotional well-being, or intellectual or psychological capacity of a child, as evidenced by an observable and substantial impairment in the child's ability to function.
  3. **Child care provider** -- means an adult individual, including a foster parent or an employee of an organization, who provides care and supervision to a child for compensation or reimbursement
  4. **Sexual exploitation** -- allowing, permitting, encouraging, or engaging in activity prohibited by AS 11.41.455(a), unlawful exploitation of a minor, by a person responsible for the child's welfare.
- B. **Statutes related to child abuse.** Statutes to reference are:
  - AS 11.41.434 through AS 11.41.460 Sexual Abuse of a Minor, Incest, Unlawful Exploitation of a Minor and Indecent exposure
  - AS 11.51.100-110 Endangering the Welfare of a minor
  - AS 11.51.130 Contributing to the delinquency of a minor
  - AS 11.61.123 Indecent Viewing or Photography

AS 11.61.125-127 Distribution and possession of child pornography

AS 47.17.020 Person required to Report

AS 47.17.022 Training

AS 47.17.025 Duties of Public Authorities

AS 47.17.290 Definitions.

Note: other crimes under AS 11.41 may apply. (e.g. murder, manslaughter, criminally negligent homicide, assault, reckless endangerment, stalking, kidnapping, sexual assault and coercion)

## CHAPTER 118 MISSING PERSONS AND RUNAWAY MINORS

Chapter Revised 01/01/2012

### 118.010 INTRODUCTION

This chapter establishes definitions and proper reporting/handling of missing persons and runaway minors.

### 118.020 MISSING PERSONS REPORT PROCEDURES

- A. **Missing persons report required.** Every case of a missing person requires the immediate completion of a missing person report.
- B. **APSIN/NCIC entry required within 24 hours.** An APSIN/NCIC missing person entry must be made as soon as practical, but in no case later than 24 hours after report. [Ref. AS 47.10.141]
- C. **Clearinghouse notice required within 48 hours.** SPD personnel are required to notify the Alaska State Troopers Missing Persons Information Clearinghouse of all runaway or missing persons at the earliest opportunity and in all cases within 48 hours of initial report of disappearance [Ref. AS 18.65.620]

Information will be submitted to the clearinghouse by mail, telephone, fax, email, or TWIX as follows:

- 1. as soon as practical copies of the report shall be faxed to the Clearinghouse (FAX (907)338-7243), however, if this is not possible, or if no report is available, notification may be made by phone to (800)478-9333; and,
- 2. mail a copy of the missing person report or search and rescue report, Photographs and Photograph Release Form, and Medical or Dental records to:

Missing Persons Information Clearinghouse  
5700 E. Tudor Road  
Anchorage, Alaska 99507

- D. **Actions upon locating missing person.** Department personnel who become aware of a found missing person will immediately notify the Clearinghouse and arrange to remove all APSIN/NCIC missing persons locates.
- E. **Investigation of unresolved missing persons cases.** Appropriate investigative steps should be taken in all cases of reported missing persons which are not resolved in a timely manner. These should include the gathering of information and records that can be used as aids in identifying the missing person at a later date. Investigators should:
  - 1. Attempt to locate a photograph of the missing person and send the photograph and an accompanying Photograph Release Form (see attachments) to the Clearinghouse.
  - 2. Attempt to locate copies of medical and dental records of the missing person. This is accomplished by delivering a Medical/Dental Records Release form to the medical facility having records who will then release records relevant to the identity of the missing person. These records should be sent to the Clearinghouse. Officers can obtain Medical/Dental Records Release forms in two ways; either:
    - a. have the family complete Medical/Dental Records Release - B (see attachments); or
    - b. if the family, next of kin, or legal guardian cannot be located or does not exist, complete Medical/Dental Records Release - A (see attachments).
- F. **Copies of reports to be sent to Clearinghouse..** A copy of completed police reports on missing persons, runaway minors, or search and rescues where persons remain missing will be sent to the Clearinghouse regardless of previous notifications.

**118.030 HANDLING RUNAWAY MINORS**

- A. *Disposition of runaway minors.*** If a runaway minor is contacted by a SPD officer and is not subject to arrest or detention, the officer will take the minor into protective custody and shall:
1. return the minor to the legal custodian at the legal custodian's residence if the residence is in the same community where the minor was found and if the legal custodian consents to the return, except that the officer may not use this option if the officer has reasonable cause to believe that the minor has experienced physical or sexual abuse in the legal custodian's household;
  2. take the minor to a nearby location agreed to by the legal custodian if the legal custodian does not consent to return of the minor under (1), except that the officer may not use this option if the officer has reasonable cause to believe that the minor has experienced physical or sexual abuse in the legal custodian's household; or
  3. if disposition of the minor is not made under (1) or (2), take the minor to an office specified by the Department of Health and Social Services, a program for runaway minors licensed by the Department of Health and Social Services under AS 47.10.310, a shelter for runaways that has a permit from the Department of Health and Social Services under AS 47.35.085 that agrees to shelter the minor, or a facility or contract agency of the Department of Health and Social Services.
    - a. If the officer plans to take the minor to an office, program, shelter, or facility under (3), the officer shall give the highest priority to taking the minor to an office, program, shelter, or facility that is semi-secure.
    - b. If an office specified by the Department of Health and Social Services, a licensed program for runaway minors, a shelter for runaways that will accept the minor, or a facility or contract agency of the Department of Health and Social Services does not exist in the community, the officer shall take the minor to another suitable location and promptly notify the Department of Health and Social Services.
    - c. Without a court order a minor in protective custody may not be housed in a jail or other detention facility but may be housed in a semi-secure portion of an office, program, shelter, or other facility.
- B. *Runaway minors to receive written and verbal advisement of rights.*** Upon taking a minor into protective custody, an SPD officer shall immediately advise the minor of the right to social services. The officer will complete the Advisement of Rights of Runaway Minor form and provide a copy to the minor. The officer shall also advise the legal custodian, if known, that the minor has been taken into protective custody and that counseling services for the custodian and the minor's household may be available.
- C. *Health and Social Services responsible for care of runaway minors.*** Contact the Department of Health and Social Services for offices or facilities where minors can be taken.
- D. *Third party custody of runaway minors.*** SPD employees will record the date and time that they receive notification made under AS 11.51.130(a)(4)(B), Contributing to the Delinquency of a Minor. That sub-section requires a person to notify a peace officer, a law enforcement agency, or the Department of Health and Social Services of the name of a minor and the minor's location. The notification is required if the person is keeping a minor from the minor's guardian because the person reasonably believes that the minor is in danger of physical injury or in need of temporary shelter. The patrol supervisor will be immediately advised of such notifications and will make the required advisement to the Department of Health and Social Services that the department has received such notification and the details of that notification.

**118.040 DEFINITIONS**

Definitions as used in this chapter:

- A. *Adult Missing Person*** -- a person 18 years of age or older who is reported missing under mysterious circumstances, a failure to reach a destination in a reasonable amount of time, or an inexplicable separation from a traveling companion.
- B. *Juvenile Missing Person*** -- a person under the age of 18 who is missing and is not classed as a runaway due to their past history and/or stability.

- C. *Juvenile Runaway*** -- a person under the age of 18 reported missing by a family member or legal guardian and who is known to have a history of running away or has shown indications of avoiding their legal guardian.
- D. *Missing Person/Search and Rescue*** -- A person unaccounted for at the conclusion of a search and rescue operation. (Until the person is found, either alive or deceased, their record will be retained as a missing person.)

#### **118.050 ATTACHMENTS**

- A. *Release of Photographs (1 page)***
- B. *Medical/Dental Records Release-A (1 page)***
- C. *Medical/Dental Records Release-B (1 page)***
- D. *Advisement of Rights of Runaway Minors (1 page)***

Case Number: \_\_\_\_\_

**SITKA POLICE DEPARTMENT**  
**RELEASE OF PHOTOGRAPHS**

Name of Person in Photograph: \_\_\_\_\_

Number of Photographs: \_\_\_\_\_

**Photo 1**

**Photo 2**

**Photo 3**

**Photo 4**

**Photo 5**

Date of Photograph(s): \_\_\_\_\_

\_\_\_\_\_  
Signature of Officer Receiving Photos

\_\_\_\_\_  
Date Received

I, \_\_\_\_\_, hereby release the photograph(s) referenced at the top of this document to the Sitka Police Department to aid in locating a missing person. I understand that the photograph(s) may be copied and used in the publication of bulletins or released to the public media as part of press releases.

I understand that if I do not request the return of the photograph(s), they will be treated as part of the case file and archived or disposed of according to agency policies.

- I want the photograph(s) returned.
- I do not want the photograph(s) returned.

\_\_\_\_\_  
Signature of Person Releasing Photograph(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Relationship to Person in Photograph(s)

( ) \_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Mailing Address

Case Number: \_\_\_\_\_

**SITKA POLICE DEPARTMENT**  
**MEDICAL / DENTAL RECORDS RELEASE**  
**(UNKNOWN FAMILY, NEXT OF KIN, OR LEGAL GUARDIAN)**

\_\_\_\_\_ is conducting an investigation into the disappearance of \_\_\_\_\_ and requests the release of all medical and dental records to assist in the identification of this person.

This request is made pursuant to AS 18.65.630(b) which authorizes a law enforcement agency to obtain medical and dental records required for the furtherance of an investigation when no family members, next-of-kin, or legal guardian of the missing person can be located.

Unless released directly to requesting officer, or other delivery is specified, records should be sent to:

Alaska Department of Public Safety  
Missing Persons Clearinghouse  
5700 East Tudor Road  
Anchorage, AK 99507

(907) 269-5511

\_\_\_\_\_  
Signature of Officer Requesting Records

\_\_\_\_\_  
Date Signed

Case Number: \_\_\_\_\_

**SITKA POLICE DEPARTMENT**

**MEDICAL / DENTAL RECORDS RELEASE  
(BY FAMILY, NEXT-OF-KIN, OR LEGAL GUARDIAN)**

I, \_\_\_\_\_, being \_\_\_\_\_ of  
NAME OF PERSON SIGNING RELEASE RELATIONSHIP TO VICTIM

\_\_\_\_\_, do hereby authorize the release of any and all medical and dental  
VICTIM'S NAME

records to the Sitka Police Department to aid in the identification of this person.

Unless released directly to requesting officer, or other delivery is specified, records should be

sent to:

Alaska Department of Public Safety  
Missing Persons Clearinghouse  
5700 East Tudor Road  
Anchorage, AK 99507

(907) 269-5511

\_\_\_\_\_  
Signature of Person Authorizing Release of Records

\_\_\_\_\_  
Date Release Signed

## ADVISEMENT OF RIGHTS OF RUNAWAY MINOR

Case Number: \_\_\_\_\_

Name of minor: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

I must advise you that under Alaska Statute 47.10.141(b) I am required to take you into protective custody and exercise one of the following options:

- A. return you to your legal custodian, at their residence if the residence is in the same community where you were found, and if you and your legal custodian consent; or
- B. take you to a nearby location agreed to by your legal custodian; or
- C. take you to an office specified by the Department of Health and Social Services, a program for runaway minors licensed by the department under AS 47.35.085 that agrees to shelter you, or to a facility or contract agency of the department.

I must also advise you of available mediation services and that you have the right to social services provided for under AS 47.10.142(b). This allows for counseling for members of your household if appropriate. After assessing your situation and furnishing appropriate services, Health and Social Services may take you into emergency custody should they consider it necessary.

Having been informed of my right to social services I wish to:

accept     decline the social services available     did not respond

Signed \_\_\_\_\_

Witness \_\_\_\_\_

Mediation Services are available locally at:

Service:

Address:

Phone:

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## CHAPTER 119 CRIME SCENE PHOTOGRAPHY

Chapter Revised 01/01/2012

### 119.010 PHOTOGRAPHY METHODS

- A. *Authorized methods.*** The Department authorizes a combination of different methods to photograph a crime scene. They are:
1. Digital photography – These include all capture devices that use digital storage media.
  2. Video photography – These include all capture devices that store moving images in digital or analog form.
- B. *Photography subject.*** Regardless of the method used, photographs of the crime scene should include:
1. Overall photos taken from several different locations.
  2. Wide-angle photos if an interior scene. A 28mm wide-angle lens should be used, if available, to provide good visual orientation without distortion.
  3. Photographs of surrounding area.
  4. Photographs of the evidence in place, and of the individual item once removed and processed from the scene when practical.

### 119.020 DIGITAL PHOTOGRAPHY

- A. *Digital camera use.*** A digital camera can be used for all photographs as long as the camera being used has at least a 10 megapixel resolution capability. It is the responsibility of the user to determine that any image capturing equipment is capable to capture an adequate image in each particular circumstance.
- B. *Digital camera settings and Equipment.*** When a digital camera is used for crime scene documentation, no options should be used that alters the images in such a way that the images do not accurately represent the subject of the image or some aspect of the subject. If digital options are needed and utilized for a specific purpose, which causes the subject to be enhanced in some fashion, that specific purpose and the effect of using the digital option must be documented. (Such options include utilizing an extreme wide-angle setting, infrared lighting, or utilizing the digital zoom option which will cause the image to degrade and pixelated as the digital zoom increases, decreasing the effective resolution of the image.)

Only cameras with a minimum of 12-bit color depth shall be used for crime scene and evidence comparison photographs.

Any mode of capturing an image will have some distortion inherent in it. The person capturing an image in any fashion should be prepared to discuss any distortion present in the image.

The time and date stamp will be used on the cameras if the software being used to process each photograph does not store the Metadata and include the time and date and settings for each photograph and any processing tools used. The display will be checked for accuracy before each use. If a discrepancy is discovered after the image has been taken, it will be documented.

Each memory card used with a specific camera shall be formatted to that camera and not by a computer.

Any flash unit used shall be dedicated for digital photography and digital cameras. Film flash units will not work correctly with digital cameras.

- C. **Image compression.** The original image should be stored and maintained in an unaltered state. This includes maintaining original digital images in their native file format. Duplicates or copies should be used for working images when applicable. No original image should ever be altered in anyway from how it was captured and must stay in the same image format as it was captured.

An image may be originally captured either as a RAW, TIFF, or a JPEG image depending on the requirements of the end use of the image. An image that will be used for comparison purposes or is expected to undergo image analysis should have no artifacts of compression and should be captured as either a RAW or a TIFF image. The average image captured at a crime scene or an image captured for surveillance may be captured as a JPEG image if the judgment of the camera person is that the image will not be used for comparison purposes or need to undergo image enhancement or analysis. The user should be aware that a RAW or TIFF image is more massive than a JPEG image with any meaningful compression.

Images that require processing shall be saved as a copy in TIFF format. JPEG images that are saved recompress degrading the quality of the image. JPEG images should be closed rather than saved each time opened.

- D. **Image processing.** Deleting or erasing any images from the digital camera prior to finalizing images on the DVD-R or CD-R or before saving the images to a DVD-R or CD-R is expressly forbidden. If you do not like an image or an image was taken accidentally, leave it in the memory. Leaving images out or erasing them prior to saving them on a DVD-R or CD-R is considered tampering with evidence.

DVD-R's and CD-R's will be labeled and handled as required under OPM 202.030.

Any image enhancement process will always be performed on a copy of the image. Both the original file and the processed file must be retained as evidence. The original photographs should be stored on a separate DVD-R or CD-R. A second copy of the DVD-R or CD-R should be made as a working copy.

The processed image will be stored on a DVD-R or CD-R with a file name depicting the original file name and that it has been processed. Re-writable media shall not be used. An image that has been processed will be saved as a TIFF(.tif) file. An image processing log will be stored with the DVD-R or CD-R if used.

Techniques common to tradition darkrooms and digital imaging stations, such as cropping, color balancing and contrast adjustments that are used to achieve an accurate recording of an event or object, are standard processing steps. When the results of these steps are visually verifiable and can be verified in the metadata of the photograph, documentation of such steps is not considered mandatory except when the image is subjected to image analysis.

Techniques such as unsharp masking, multi-image averaging or integration, and Fourier analysis, that are used to increase the visibility of specific details in an image at the expense of other image details are standard processing steps. However, the use of such steps should be documented in sufficient detail that comparably trained personnel can repeat the steps and produce the same output when the image is subjected to image analysis. Additionally, enhancements made to an image, or a series of images, will be done on the entire image rather than select portions.

Software used for processing images must be set to record the Metadata for each photograph.

No member should process any image file if they are not sure that the processing and documentation of enhancements are within their competency.

- E. **Imaging Workflow.** Printers used to print photographs should be of sufficient resolution for the purposes for which the digital image will be used. For example, a minimum of 1440 dpi shall be the resolution used for crime scene photos unless those photos will be used for comparisons. The maximum resolution beyond 1440, preferably 5760 dpi should be used for examinations or comparisons. Inkjet printers used to print photographs should be a minimum of six (6) colors. Laser printers shall not be used for photographs.

- F. **Verification of original and processed images.** Personnel who captured the original image or were present at the time the original image was captured can verify that the image is a true and accurate representation.

### 119.030 MIDRANGE PHOTOGRAPHY

- A. **Midrange photography use.** Midrange photography is used to orient the viewer as to the exact location of items of evidence in the scene. If possible, the camera person should attempt to include two items of evidence into the field of view. If this is not possible, then a common item (desk, bed, table, etc) should be included in all the midrange photographs. Midrange photographs should be taken with a normal lens to prevent distortion.

### 119.040 CLOSE-UP PHOTOGRAPHY

- A. **Close-up photography use.** Before any item of evidence is moved, a close-up photograph should be taken as follows:
1. Fill the field of vision with the item.
  2. Take one close-up shot of the item with a scale. A ruler in the evidence collection kit can be used for this purpose.
  3. The camera person can also place a strip of tape across the face of the ruler, making sure not to cover the measuring increments. Information to be written on the tape includes item number, case number, date and camera person's initials.

### 119.050 DEFINITIONS

Definitions as used in this chapter are adopted from: Scientific Working Group on Imaging Technologies (SWGIT)(FBI) <http://www.fbi.gov/hq/lab/fsc/backissu/july2001/swgit.htm> and the FBI Digital Imaging Terms and Software Technology handbook from the FBI Laboratory Division of the Forensic Imaging Unit in Quantico, Virginia (January 2011).

**Capture** -- The process of recording an image.

**Capture Device** -- A device used in the recording of an image.

**Compression** -- The process of reducing the size of the data file. Image compression includes image encoding/decoding to reduce storage requirements. Reversible (lossless) or irreversible (lossy) compression. One of the most active areas of imaging.

**Digital Camera** -- A filmless camera system. Any camera system that is capable of converting an analog image into a digital signal or file. A device that captures an image on a Charged Coupled Device or CCD so that it can be downloaded to and manipulated by a computer. It might also be called a "film less" camera.

**Digital Image File** -- A record that includes image data and related data objects.

**DPI Dots Per Inch** -- The unit of measure used to describe the resolution of image files, scanners, or output devices. The measure of distinct pixels that a device can produce either horizontally or vertically in one inch.

**File Format** -- The method by which an image is saved or stored in the computer. (Tagged Image File Format (TIFF) or RAW or Joint Photographics Expert Group (Jpeg) are the common file formats used in crime scene photography.) The particular arrangement of digital information that is saved from an application program. The method of arrangement or storage is unique for any particular application program, but most applications can import and export standardized graphic and text file formats, such as TIFF, GIF, and EPS graphics, or RTF or ASCII text.

NEF is specific to Nikon Corp. and stands for Nikon Electronic Format. It is an uncompressed RAW file.

**Image Analysis** -- The field of study that analyzes an image to determine its object content.

**Image Enhancement** -- Any process intended to improve the visual appearance of an image. Enhancements may include such operations as sharpening or contrast modification.

**Image Output** -- The means by which an image is presented for examination or observation.

**Image Processing** -- Any activity that transforms an input image into an output image.

**Image Processing Log** -- A record of the steps used in the processing of an image.

**Image Resolution** -- The capability of a digital image to record (resolve) the elements of the original scene. Image resolution is dependent upon both spatial density and optical resolution.

**Image Verification** -- A process by which an individual identifies an image as being an accurate representation.

**Ink Jet** -- A nonimpact printing technology where ink droplets are propelled at the paper to form characters or graphics.

**Interpolation** -- A technique used when resizing or changing the resolution of an image, to calculate the value of pixels that must be created to produce the new size or resolution. Interpolation uses the tone and the color of the pixels surrounding each new pixel to estimate the correct parameters.

**Legacy File Management** -- A methodology for preserving data and images so that they are retrievable as technology changes.

**Lossless Compression** -- Compression in which no image data is lost and the image can be retrieved in its original form. The uncompressed image is mathematically identical to its original.

**Lossy Compression** -- A method of image compression where some image quality is sacrificed in exchange for higher compression ratios. It is compression in which image data is lost and the image cannot be retrieved in its original form.

**Metadata** -- Data that is recorded with the photograph describing all aspects of the photo including time, date, aperture, shutter speed, ISO, and any enhancement descriptions.

**Native File Format** -- The file format of the primary image (original image). (NEF for Nikon)

**Pixel** -- Short for picture element. One of the tiny points of light that make up the picture on a computer screen. The smaller and closer together the pixels are, the higher the resolution. A term common in computer imaging referring to a picture element. An acronym combining the words "picture" and "element." Pixels are the smallest electronic elements that compose digital pictures. Also used to define a discrete color value or shade of gray. This is the most fundamental element of a digital image.

**RGB (Red, Green, and Blue)** -- The primary colors used by monitors to create images as they appear on screen.

**Sharpen** -- A filtering process that intensifies the edges and details of the image. It does so by increasing the gray scale values of neighboring pixels.

**Sharpening** -- Increasing the apparent sharpness of an image by boosting the contrast between adjacent tones or colors.

**Source Code** -- The list of instructions written in a standard programming language used to construct a computer program. This information is not usually provided absent a court order or prior contractual agreement.

**Storage Media** -- Any object on which an image is preserved.

**Unsharp Masking** -- The process for increasing the contrast between adjacent pixels in an image, raising the apparent sharpness.

**CHAPTER 199**  
**MISCELLANEOUS POLICIES**  
Chapter Revised 01/01/2012

**199.010 RESERVED FOR FUTURE USE**

**199.020 REWARD POLICY**

Victims of crimes, or in some cases organizations or interested parties, may offer a reward for information leading to the arrest and conviction of the perpetrators of crimes. Reward programs may be totally independent of the police, a joint effort between the persons putting up the reward money and the police, or the money is put up and the police handle the entire matter. Department participation in reward programs will be left up to the Chief with the following stipulations:

1. the Officer involvement will be clearly outlined in a memorandum to the Chief and should include who is offering the reward, specifically what the reward is for, and specifically on what conditions or circumstances it will be paid; and
2. in the event conditions of the reward are met but the person or organization offering the reward refuses to pay, immediately notify the potential reward winner that the Police cannot assist them in collection. Under those circumstances, the individual will be on his own and will either have to obtain an attorney and file a civil action or utilize the small claims court if appropriate.

**199.030 THE ALASKA LEGAL BULLETIN AND SEARCH AND SEIZURE BULLETIN MANUAL**

The Alaska Legal Bulletin and the Search and Seizure Bulletins are available for the purpose of providing a source for legal and search and seizure information. These documents are hosted on the Alaska Police Standards Council web site at [www.dps.state.ak.us/APSC](http://www.dps.state.ak.us/APSC).

**199.040 TIMELY COMPLETION OF ASSIGNMENTS**

- A. *Employees required to complete assignments in timely manner.* All employees are required to complete their assignments in a timely manner, as specified by S.O.P., manuals, or supervisor assignment.
- B. *Supervisors are responsible for completion of subordinates' assignments.* It is the supervisor's responsibility to assure that subordinates' assignments are reasonable, possible, practical, and are completed on time and as required by Department policies, rules, and procedures.

**199.050 NOTIFICATION OF LOCATION WHILE ON LEAVE**

Commissioned officers who are on annual leave shall report the address(es) and phone number(s) where they may be contacted in case of an emergency. If specific location information is not available a proposed itinerary showing general location shall be provided.

**199.060 EMPLOYMENT OUTSIDE OF DEPARTMENT**

- A. *Department procedures for approval of outside employment.* Employees wishing to engage in off duty employment must submit a written request to the Chief who will consider the length of absenteeism, the type of employment, and the impact upon the Department of the proposed employment.

The Chief or his designee will review the request and return a timely notice of decision to the requesting member.

- B. *Prohibited types of off-duty employment.* Permission to engage in any of the following types of employment will not be granted to any employee of the Department:

1. investigations, guarding (including acting as a bouncer), process serving, collections, wrecker service, attorney, bail bond, or any service which may be construed as a conflict of interest;
2. any employment that may physically or mentally affect the employee's job performance or impair the operation and efficiency of the Department;
3. any employment that may require special consideration in scheduling the employee's regular duty hours; or
4. any employment that may bring discredit upon the employee or the Department, or impair the operation and efficiency of the Department.

Additionally, commissioned and partially commissioned officers will not be granted permission to engage in the following types of outside employment:

1. manufacture, sale or distribution of alcoholic beverages;
2. employment that may render the employee unavailable during an emergency.

#### **199.070 CONFLICTING OR ILLEGAL ORDERS**

- A. *Action of employee receiving conflicting orders.*** Employees who are given an otherwise proper order which is in conflict with a previous order, rule, procedure, regulation, or directive, shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, or directive previously issued.
- B. *Action of employee receiving unlawful order.*** The recipient employee shall not obey any order which he knows, or should know, would require him to commit an unlawful act. If in doubt as to the legality of an order, the recipient employee shall request a conference with a higher authority, stating the reasons why he believes the order to be unlawful, or shall request the issuing supervisor to clarify and present a copy of the order in writing. A copy of the order is to be retained by the recipient employee.

#### **199.080 SUBSCRIPTIONS, SOLICITATIONS, COLLECTIONS, PETITIONS**

Unless prior written approval is obtained through appropriate channels, employees of this Department, while on official duty, shall not solicit any contributions, sell tickets, solicit donations, petitions, or subscriptions in any manner.

Approval may be granted for activities or benefits that are closely associated or supported by City government or law enforcement, such as: APOA, TORCH RUN, and the SHARE CAMPAIGN.

#### **199.090 IDENTIFICATION CARDS**

- A. *Officers to carry identification or badges at all times.*** Commissioned officers shall carry identification cards or badges on their person at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name or badge number to any person requesting that information when they are on duty, or representing themselves as having an official capacity, except when the withholding of such information is necessary for the performance of their duties or is authorized by proper authority.
- B. *Officer photos on identification cards.*** Commissioned personnel are to appear in full uniform in the photograph displayed on their Department identification card. The only exception is for those individuals who are assigned to drug enforcement. Identification photographs for personnel assigned to the drug enforcement may be taken in appropriate business attire. Once these personnel are reassigned out of drug enforcement, a new identification card with a photograph in uniform will be obtained immediately.

- C. **Identification cards to be replaced every 36 months.** Commissioned personnel are to obtain a new identification card at least every 36 months. Identification cards should be replaced at shorter intervals when an employee's appearance has changed since the last photo was taken.
- D. **Supervisors to inspect identification cards.** Supervisors shall inspect identification cards when performing personnel inspection. Identification cards will be inspected no less than once each year.

#### 199.100 REQUESTS FOR ASSISTANCE

- A. **Employees will receive and act upon citizen requests for assistance.** When any person requests assistance or advice, makes complaints or reports, whether by telephone, radio, in person, or in writing; employees of this Department, whether commissioned or civilian, will obtain all pertinent information in an official and courteous manner, and will properly and judiciously act upon the report in a manner consistent with established Departmental procedures.
- B. **Employees to make requested notification of incidents.** Common courtesy and Department policy requires that employees will comply, where reasonably possible, with any citizen request to notify a spouse, friend, parent, or other desired contact, of an incident occurring.

#### 199.110 TELEPHONES

Officers shall have telephones, if available, in their residence, shall reasonably monitor those phones, and shall report any change of telephone number or address to their supervisor and other appropriate persons.

#### 199.120 EQUIPMENT LOSS OR DAMAGE

Employees will take the following steps when Department equipment is lost, stolen, or damaged:

- A. **Action by employee.** The employee responsible for the property shall provide immediate notification to his supervisor and, unless another report is specified elsewhere in the OPM, shall complete and submit to the his supervisor a report of the loss within three working days;
- B. **Action by Operations Lieutenant.** The Operations Lieutenant will review the report and immediately forward it to the Chief.

#### 199.130 PRESENTATIONS TO MEMBERS LEAVING THE DEPARTMENT

- A. **Uniformed members.** Uniformed members leaving the department in good standing may be presented with their badge of office at the discretion of the Chief.
- B. **Commissioned officers with 15 years of service.** Officers leaving the Department with 15 years of service with the City will be presented with the badge of office, 'retired' identification card, and with the approval of the Chief the service weapon of their choice.
- C. **All members departing in good standing.** All members leaving the Department in good standing shall receive a letter of appreciation.

#### 199.140 SPD PERSONNEL BACKGROUND INVESTIGATIONS

- A. **Completed background required for employment.** A background investigation must be completed on every employee of the Department prior to employment. In recognition of the long delays sometimes experienced in screening fingerprints submitted to the FBI, a background investigation except for this step, may be considered complete under this section.

- B. *Background investigations on enforcement personnel.*** Background investigations on enforcement personnel will be conducted in accordance with the SPD Background Investigation Manual.
- C. *Background investigations on civilian SPD employees.*** This paragraph sets out the minimum background steps for civilian employees. In those cases where an employee will be working with drugs or evidence, or where they will have access to highly confidential information, additional investigation may be warranted. The City Human Resources section should be consulted prior to beginning a substantially expanded background on a civilian applicant. The following background investigation steps are the minimum required for every civilian employee:
1. a complete City employment application;
  2. interview with the two most recent employers or supervisors;
  3. if the applicant is a current or former City employee, a review of performance evaluations;
  4. interviews with any personal references provided by the applicant;
  5. if the employee is applying for a professional position requiring a college degree or special certification, confirmation from the educational institution or certifying agency;
  6. a computerized criminal history check (APSIN/NCIC); and
  7. a fingerprint based criminal history check (AAFIS and FBI)
- D. *Derogatory information discovered during civilian background investigations.*** Derogatory information discovered during a background that is insufficient to eliminate the applicant from consideration should normally trigger an expanded investigation. The relevance of any criminal history record to the hiring decision depends on details of the offense, and on the location, duties, and classification of the position being filled. If, for example, APSIN/NCIC access is required of the position, then an applicant would be eliminated if their criminal history would bar access to those systems. The City Human Resources section should be consulted on all borderline situations.

#### 199.150 LIMITED DUTY ASSIGNMENTS

**A. *Definitions:***

***Limited duty assignment*** -- means a temporary assignment for an employee who is experiencing a short term disability where the employee is assigned work in which he will not be required to perform all of the duties normally required by the Department for the employee's particular rank and job classification. Limited duty assignments are not assignments specifically reserved for temporarily disabled employees, rather they are part of the ongoing work of the department. Limited duty assignments will normally be performed in civilian attire.

***Short-term Disability*** -- means a work related or non work related disability incurred by an employee which a qualified physician has determined will temporarily prevent the employee from performing all of the duties to which he is normally assigned. Such disability, however, may not be so extensive as to prevent the employee from performing the duties required in an appropriate limited duty assignment. Examples of a short-term disability may include a broken bone, twisted ankle, or bruised shoulder.

Pregnancy of commissioned first-responders will be treated like other temporary disabilities.

Employees with permanently disabling illnesses or injuries will not be considered for limited duty assignments. Supervisors will refer any reasonable accommodation requests under the Americans with Disabilities Act to the City and Borough of Sitka Human Resource Office.

***Temporary Assignment*** -- means the assignment of an employee with a short term disability to a limited duty assignment for a period of 30 days. (See 199.150 F for extensions beyond 30 days)

- B. *Examples of limited duty assignments.*** The Department will not create unneeded assignments to accommodate individuals with a temporary disability, nor will any employee be placed in an assignment unless the work is both meaningful and necessary. The following list of possible limited duty assignments is not exhaustive, but is representative of the type and characteristics of such assignments:
1. Dispatching -- An officer could be assigned to fill in for a dispatcher if this would relieve an overtime problem caused by the absence of a dispatcher on sick leave, annual leave, training, etc. Temporary assignment to this duty also enhances the knowledge of the officer working there; the officer will have better understanding of what dispatchers do and their importance to the officers in the field.
  2. Reception Desk-- An officer on limited duty status assigned to reception duty would be expected to answer questions, solve problems, give accurate directions, take complaints, and provide a limited degree of security for the facility.
  3. Evidence Locker -- An officer could be assigned to log and record evidence, or to package evidence for shipment to the state crime lab.
  4. Civilian Employees -- a clerical employee on a limited duty assignment could be assigned a sub-set of their usual duties, or other necessary and meaningful duties which their temporary disability allows them to perform.
- C. *Application for limited duty assignment.*** An employee who is experiencing a short-term disability, work related or non work related, and who would like to be considered for a limited duty assignment is required to submit, through the employee's supervisor to the Chief, a written request for a limited duty assignment. All pertinent data necessary to justify such an assignment must be provided. This includes a written document from a qualified physician indicating that the employee is suffering from a short-term disability that prevents the employee from performing their regular assignment, that the disability is short-term and temporary, the expected duration of the disability, and indicating the types of duties which the employee can perform.
- D. *Approval of limited duty assignment.*** The Chief shall determine in writing if an application for limited duty assignment can be approved. This written review, including a copy of the original application for limited duty assignment shall be sent to the City Human Resources office.
- E. *Monitoring of limited duty assignment.***
1. An employee in a limited duty assignment shall provide written status reports on his disability on a weekly basis to the Chief.
  2. The Chief will monitor the condition of an employee assigned to a limited duty assignment. The Chief may require the employee to submit a physician's report on his condition and his progress towards recovery whenever the Chief feels that such a report is necessary.
  3. The employee is expected to perform all the duties of the limited duty assignment throughout the period of assignment. If an employee becomes unable to perform the duties of a limited duty assignment, or if it appears that the disability of an employee assigned to a limited duty assignment will persist beyond the date of recovery predicted by the employee's attending physician, the Chief will review the employee's case and recommend whether to permit the employee to continue working in a limited duty assignment or to pursue other alternatives.
- F. *Extensions to limited duty assignment.*** Extensions to limited duty assignments may be granted by the Chief, in 30-day increments, up to a total of 90 days. Extension of a limited duty assignment beyond 90 days must be approved by the City Administrator. Such approval may be granted for up to 90 days, for a maximum of 180 days total limited duty assignment.

Special exceptions to the every 30 day extension requirement and the 180 day maximum limited duty assignment can be granted with the approval of the Chief. Such special arrangements may be made for a short term disability with a predictable ending date, such as pregnancy.

**199.160 REPORTING INCIDENTS OF DOMESTIC VIOLENCE**

The Department recognizes that domestic violence is a serious problem that affects not only the public at large, but also our own employees. All employees are encouraged to report incidents of criminal domestic violence, including those that they encounter while away from the workplace. Employees who are themselves victims of domestic violence are encouraged to seek assistance, and in the case of criminal domestic violence, to report it to law enforcement. Employees whose friends, acquaintances, or relatives reveal domestic violence should encourage those persons to seek appropriate assistance and to report criminal conduct. Mandatory reporting of domestic violence is required as follows:

- A. *Employees must report on-duty knowledge of domestic violence.*** Employees who learn of criminal domestic violence involving any person (members of the public OR SPD employees of any rank) through their official function must report such knowledge to the appropriate enforcement agency.
- B. *Officers must report domestic violence.*** Officers who learn of criminal domestic violence involving any person (members of the public OR SPD employees of any rank) must report such knowledge to the appropriate enforcement agency. Failure to report knowledge of domestic violence will subject the officer to discipline, except that no officer who is a victim of criminal domestic violence will be disciplined for failure to report that incident. (See also OPM 116.100 and 116.110.) Officers who take enforcement action in compliance with Chapter 116 shall be deemed to have made the report required by this section.
- C. *Officers who are respondents to any DVPO must report.*** Any officer of the Department who is named as a respondent on any domestic violence protective order whether issued in Alaska or any foreign jurisdiction must report that fact to their supervisor and to the Chief. They shall also provide a copy of the DVPO to their supervisor.
- D. *DV incidents involving law enforcement officers from other agencies to be reported.*** When SPD responds to an incident of criminal domestic violence and determines that the defendant or suspect is a law enforcement officer from another agency, or when a protective order is served on a law enforcement officer from another agency, immediate notification shall be made to the command staff of the officer's agency. In this context "law enforcement officer from another agency" includes federal, state, and municipal police or corrections officers from Alaska or any other state; and any other person with authority to enforce Alaska criminal law or regulations.

**199.170 REQUESTS FOR FINGERPRINTING**

Persons seeking certain types of employment in Alaska are required to submit fingerprints for a criminal background check. The Department will not take fingerprints for members of the public in areas when commercial providers of this service are available. However, when such services are not available, members of the Department should accommodate requests for fingerprinting where practical. (Note that persons seeking criminal background checks should be referred directly to the Alaska Department of Public Safety Records and Identification Bureau in Anchorage.)

**199.180 USE OF PERSONAL FLOTATION DEVICES**

SPD employees shall wear a personal flotation device (PFD) whenever they are operating open watercraft such as skiffs and jetskis and anytime they are on deck on vessels with enclosed cabins. Officers will wear the Department provided inflatable PFD when responding to calls for service on the docks in any of the Harbors. PFDs include float coats, mustang suits, inflatable PFDs, and any other USCG approved PFD.

### **199.190 USE OF DEPARTMENT NAME OR LETTERHEAD FOR PERSONAL PURCHASES**

Employees are prohibited from making any purchases of items for personal use using the name or the official letterhead of the City of the Police Department without authorization of the Chief. This includes the purchase of weapons or any equipment that can only be sold to police or where a police discount is offered.

### **199.200 DISORDERLY CONDUCT AND TRESPASSING ARREST GUIDELINES**

It is the Assistant District Attorney's policy that a warning must be given prior to a person being arrested for Disorderly Conduct. Further, the disorderly conduct warning must be on the same night. But, if the complainant gives a warning to the subject to quiet down, that will count as the required warning prior to an arrest being made. The police department will not request any citizen to go tell the subject to quiet down.

It is the Assistant District Attorney's policy that a criminal trespass warning form be completed and served on the subject(s) trespassing. The District Attorney's office has approved a form that meets their prosecutorial requirements.

Officers will take the following actions when called to a trespassing complaint:

1. Officers will present the approved form to the property owner or the person in charge of the property and have them complete the form.
2. Hand one carbon copy to property owner. The original copy will be filed with dispatch.
3. Advise dispatch to enter the BOLO for the requested time period.
4. If a later complaint is received on a person who is still under written notice not to be on premises, a private persons arrest will be done if the owner or person in charge wants police intervention. If they refuse to do private persons arrest, no charges will be pursued by the police department. In cases where the police department is the issuer of the written notice, a normal arrest can be made. Be sure to attach the department's original copy of the written notice to the case report.

You may give copies of this form to businesses to issue to persons as they desire.

### **199.210 EAGLE CALLS**

Although SPD does not enforce Federal law, all enforcement personnel are expected to assist the USFW in collecting what information or evidence we can to facilitate the investigation of crimes involving eagles until they arrive from Juneau. To this end officers dispatched to, or discovering an eagle related incident shall take the following steps:

1. Ascertain the nature of the call. Obtain agency assist case number.
2. Dispatch an officer to determine the nature of the offense.
3. Contact US Fish & Wildlife Law Enforcement Officer in Juneau:

Office (907) 586-7545  
Pager (907) 789-6425  
Cell (907) 321-1326

4. Assist USFW by documenting any information regarding the offense including taking photographs and identifying involved persons. A local contact for possible assistance regarding this federal offense is:

US Forest Service Law Enforcement Officer  
Office (907) 747-4358  
Cell (907) 738-6000

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## CHAPTER 201 REPORT PROCEDURES

Chapter Revised 01/01/2012

### 201.010 CASE RESPONSIBILITIES

- A. ***Officers required to make timely submission of reports.*** Officers shall complete reports necessary to close cases as expeditiously as practical.
- B. ***Supervisors are responsible for case closure and investigation.*** It is the supervisor's responsibility to assure that commissioned employee's cases are up to date and investigated to a logical conclusion. Supervisors may set report completion deadlines for their subordinates.
- C. ***Case reports to be completed before reassignment or termination.*** It is the responsibility of the employee and his supervisor to assure that when an employee is reassigned or terminates, all outstanding cases are completed and evidence is dealt with to the supervisor's satisfaction.

### 201.020 CASE NUMBERS

Case numbers will be obtained from dispatch according to the following rules:

1. a single case number or CAD will be drawn to document each request for a service received from a member of the public or an outside agency;
2. any criminal activity or emergency situation (accident, disaster, SAR, etc.) discovered by a member of the department will receive a case number; and

### 201.030 PREPARATION OF CASE REPORTS

- A. ***Assigned Officer responsible for preparation of case report.*** The Officer assigned a case is responsible for the completion of the case report in accordance with applicable Department guides. The Officer is responsible for retaining copies of materials submitted for typing or for recreating materials lost. Handling of evidentiary case materials is detailed in OPM 218.050 and OPM Chapter 202.
- B. ***All reports required to be approved by supervisor.*** Upon completion, every case report will be submitted to the responsible officer's supervisor for approval. The supervisor may approve the report as is, or return it to the submitting officer for additional investigation, correction of report format or coding, or grammatical or stylistic correction.
- C. ***Reports to be submitted on approved forms.*** Case reports must be submitted only on forms approved by the department.
- D. ***Transcriptions to be reviewed.*** Following transcription of dictated reports or recorded interviews the submitting officer will review the materials for accuracy.

### 201.040 DEPARTMENT CASE FILES AND ARCHIVAL STORAGE

The original copy of closed cases will be retained at the department for a period of one year. Cases placed in this file will be filed by month in numerical order. When that month's cases are a year old they shall be placed into archives.

Original cases may be held longer than one year in major unsolved cases or cases pending appeal or civil action, if authorized by the Chief of Police.

**201.050 SPECIAL ROUTING OF AIRCRAFT ACCIDENT REPORTS**

Send copies of all reports related to aircraft accidents to the following address:

National Transportation Safety Board  
701 "C" Street  
Box 11  
Anchorage, Alaska 99513

**201.060 TRANSFERRING CASES**

- A. *Transferring case within unit.*** Supervisors may transfer cases within their unit as needed to facilitate case completion or to balance workloads.
- B. *Transferring case between patrol shifts.*** Cases may be transferred between shifts within the Patrol Division through arrangement by shift supervisors.
- C. *Transferring case to another agency.*** Cases transferred to an outside agency shall be accompanied by a memorandum addressed to the appropriate supervisor of the destination department describing the reasons for transfer and remaining investigation.
- D. *Reassigning case in the Record Management System (RMS).*** Whenever a case is reassigned, the RMS case management entry will be updated to reflect the new responsible officer and/or unit. The supervisor of the receiving unit is responsible for assuring this is completed.

**201.070 DRUG VIOLATIONS**

- A. *Special reports for drug violations.*** Cases involving drug violations require the following special procedures:
  - 1. Property Report (12-210) -- The weight of the drug involved in will be reported in the "size" block. Also, indicate street value of the drug under "value." Officers may submit requests to weigh drug evidence to the Lab using a 12-245.
  - 2. Officers assigned to Investigations Division or South East Alaska Cities Against Drugs (SEACAD) will initiate a computer case number when an offense is reported. A brief description of the offense being reported or investigated will be included. Cross-references to a master case number or other applicable case numbers should be included.
- B. *Required notice to SEACAD of illegal drug cases.*** Department personnel assigned cases involving drugs shall notify the local South East Alaska Cities Against Drugs (SEACAD) officer and shall coordinate their investigations with SEACAD. Department personnel must be made aware of the potential loss of additional evidence or failure to connect co-conspirators if timely coordination does not occur with SEACAD.

When a report involving illegal drug offenses is completed a copy of the report will be forwarded to the local SEACAD officer and Detectives, if practical.

**201.080 REPORTING HATE CRIMES**

The Sitka Police Department is interested in documenting and thoroughly investigating hate crimes. An assessment of hate crimes is necessary to accurately determine the scope of the problem and to identify needs for training and public education.

- A. *Definition of hate crime.*** A hate crime is any criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias against a person's race, religion, ethnic or national origin, or sexual orientation.

- B. *Investigative reports required on hate crimes.*** An investigative report will be completed on any incident that meets the definition of a hate crime. The report shall reflect the specific details of the incident including any known motivation or bias of the perpetrator(s).

When practical, evidence of hate crimes should be thoroughly documented with the use of video and/or still photography.

#### **201.090 PHOTO LINEUP ADVISORY FORM**

All witnesses asked to view a photo lineup including driver's license photos shall read and sign the advisory form. Persons viewing the lineup at the same time can sign on the same form. Persons viewing at a different time should sign a different form.

#### **201.100 UPDATING COMPUTER CASE FILES IN LONG TERM INVESTIGATIONS**

Many homicides and complex investigations stay open for months or years. Valuable information is often developed when suspect or witnesses in one case are identified as having involvement in other cases. This is often done through the computerized case management system's linking of persons to their roles in investigations.

Officers involved in long-term investigations are required to update the listing of involved persons and their roles in the computerized case management system within 30 days of the time a person was determined to be involved in a case or when a previously identified person's role has changed.

#### **201.110 ATTACHMENTS**

- A. *Photo Lineup Advisory Form***

SITKA POLICE DEPARTMENT  
PHOTO LINEUP DISCLAIMER AND ADVISEMENT

Case Number \_\_\_\_\_

The photographic lineup you are about to view is made up of photos selected by similar physical characteristics. The persons in the photographs are not necessarily suspects, not necessarily under investigation for the commission of any crime, nor do they necessarily have criminal backgrounds.

\_\_\_\_\_  
Investigating Officer

\_\_\_\_\_  
Date / Time

I have been read the above advisement and understand that the use of these photographs should not reflect upon the reputation of character of the persons I am about to view.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date / Time

## CHAPTER 202 PROPERTY AND EVIDENCE HANDLING PROCEDURES

Chapter Revised 01/01/2012

### 202.010 PROPERTY ROOM

- A. ***The Chief may establish evidence storage areas as necessary.*** The Chief may establish property rooms, evidence lockers, temporary evidence drops, and outside storage facilities. The areas used to store property will adequately provide for the safety and security of the property stored in them.
- B. ***Storing Hazardous materials.*** The legal requirements for storing hazardous materials, flammables, toxins, explosives, etc. vary based on the type and quantity of the material. The Evidence Custodian confronted with having to store hazardous materials should consult the Fire Department or State Fire Marshal's Office for current regulations concerning storage of hazardous materials.
- C. ***Access to areas containing evidence or contraband.*** The Evidence Custodian and the Alternate Evidence Custodian are the only persons who will have keys to storage areas containing evidence or contraband. The Evidence Custodian must escort any visitors to areas that contain evidence or contraband storage and must document the visitation in the Evidence Area Access Log.

### 202.020 EVIDENCE CUSTODIANS

- A. ***Assigning an Evidence Custodian.*** The Chief will assign one person as the Evidence Custodian and as many Alternate Evidence Custodians as required. The Evidence Custodian or Alternate may be a commissioned member or a noncommissioned member as appropriate. Prior to appointing any civilian as an Evidence Custodian or Alternate the Chief shall assure that an appropriate background investigation, including at least a criminal history check, has been performed on the employee.
- B. ***Evidence Custodian's Duties.*** The Evidence Custodian is responsible for: maintaining the storage areas in a serviceable condition; establishing an identification system for the storage areas that allows rapid location of stored items; maintaining records appropriate to items stored; the proper and timely disposal of property; complying with all Statutes and Regulations that apply to the handling of property; the policies of this chapter; and other duties specified in this chapter.
- C. ***Recording assignment of evidence custodians.*** The Chief will maintain a "Record of Evidence Custodian Assignment" form listing the names and dates of assignment for each person assigned as an evidence custodian or alternate evidence custodian.

### 202.030 MEMBER'S RESPONSIBILITY

- A. ***All members will handle property properly.*** Members will properly handle or secure property or evidence that comes into their possession. It will be the responsibility of the member who acquires property to prepare the necessary report(s), identify such property, and deliver it for storage in the property room or other appropriate storage area in compliance with the procedures of this chapter and local operating procedures.
- B. ***Temporary storage of property.*** If a member is unable to complete the proper packaging and delivery of property to the property room or storage area prior to the end of his shift he may, with the approval of a supervisor, temporarily store the property in an "evidence drop." The member will complete a 12-210 listing at least his name and the case number and store this with the property. The member will complete the proper storage process on the following day. Members will not store property in desks, filing cabinets, or unsecured in offices, etc.

- C. ***Actions by member receiving firearms or ammunition.*** Any employee who takes a firearm or ammunition into possession must complete a police report:
1. that has a case number;
  2. that documents how the firearm or ammunition came into SPD possession;
  3. that documents why the firearm or ammunition was seized (e.g., search warrant, illegal weapon, found property, safekeeping, etc.);
  4. that documents where the seizure or transfer of possession took place;
  5. that documents information regarding from whom the firearm or ammunition was taken;
  6. that includes specific documentation confirming that a stolen property check was completed in APSIN and NCIC;
  7. if the firearm or ammunition was found property, that documents investigative attempts to locate the rightful owner; and
  8. a 12-210, which, in the case of firearms, lists any and all serial numbers, owner applied numbers, caliber, distinguishing marks, etc.
- D. ***Member responsible to direct disposal of firearms or ammunition in absence of CCID or court order.*** When a case is completed and where there is no court order or DAO documents directing the disposition of the property, the case officer will be responsible for providing written instruction to the evidence custodian regarding the final disposal of the firearm or ammunition. A copy of this written direction will supplement the original case report.

#### 202.040 PROPERTY REPORT FORM, 12-210

- A. ***The member who acquired the property will complete the 12-210.*** The member who acquires property will prepare a Property Report, 12-210. If the officer submitting the evidence is someone other than the officer assigned to the case, the responsible officer's name, Perm ID, and Agency ID will also appear on the submission documents. The member and the Evidence Custodian will use the chain of custody Section found on the back of the form. The only portion that the member will not complete is the "release" information. The Evidence Custodian will not accept improperly completed forms or forms that are illegible.
- B. ***List property from multiple cases on separate 12-210s.*** If a member recovers several pieces of property at one time from multiple cases, list the property on individual 12-210s matching the proper case number. It is also important to maintain the proper item number sequence.
- C. ***Routing of the 12-210.*** The original 12-210 accompanies the property to the property room. The original 12-210 will remain in the property room until the disposal of all items listed on it. When permanently transferring all items listed on the 12-210 to another agency, the original 12-210 accompanies the property and a copy is kept for case updating. When transferring only some of the items listed on the 12-210 or temporarily transferring items, make a copy of the 12-210 and send the copy with the items. The agency receiving the property will use the copy as an "original." After disposing of the property, send the original 12-210 to records to be filed with the original case report.
- D. ***Dating and filing the 12-210 in the Evidence Room.*** The Evidence Custodian will complete the date of storage section on the original 12-210, update records, and file the original 12-210 numerically by case number in the property room evidence files.

### 202.050 DELIVERY OF PROPERTY FOR STORAGE

- A. **Completing the Evidence Tag.** The member will individually tag every piece of property with an evidence tag. The member will completely fill out the evidence tag. Every person having official custody of the property will complete the "chain of custody" on the back of the evidence tag, until the disposal of the property or return to the owner.
- B. **Proper packaging of property.** The Evidence Custodian will not accept improperly packaged evidence. Proper packaging includes: unloading all firearms; placing wet or damp items in containers that are not air tight; placing liquids in water proof containers that will not leak if knocked over; drying fresh marijuana; completely sealing drugs in a plastic bag either by heat sealing or with tamper proof evidence tape; sealing knives or other cutting instruments in containers that will prevent accidental cuts; clearly identifying hazardous materials such as flammables, toxins, explosives, blood or items contaminated by blood, etc. Packaging must also comply with the Communicable Diseases Chapter (205) of the OPM and federal Bloodborne Pathogens regulations.
- C. **Delivery of property to the Evidence Custodian.** Once the member has completed the Property Report, 12-210, and properly packaged and tagged the property, he should deliver them to the Evidence Custodian directly or secure them in an evidence drop.
- D. **Approved methods of shipping evidence.** If a member must ship evidence it shall be sent via registered mail or shipped via a package express service (e.g. Federal Express, UPS). If an evidence shipment presents special shipping problems the crime lab should be contacted for advice.
- E. **Improperly completed forms or improperly packaged evidence.** If property is delivered to the Evidence Custodian and the paper work is not completed properly (including, in the case of firearms, the investigative report required under OPM 202.030 C1) or the property is not packaged properly the property will be returned to the submitting member. If the improperly delivered property was sent from another agency the Evidence Custodian may temporarily store the property while arrangements are made to correct the flaws.

### 202.060 RELEASE OF FIREARMS OR AMMUNITION TO ANY PERSON

Employees are required to conform to the provisions of this section prior to releasing firearms or ammunition to any person.

- A. **Federal law controls delivery of firearms or ammunition.** Federal law [Ref. 18 USC, Section 922] makes it illegal to deliver to any person firearms or ammunition if they have any disqualifying conditions.
- B. **APSIN/NCIC checks to be run on person prior to delivery of firearm or ammunition.** Prior to delivery of a firearm or ammunition to any person, appropriate APSIN/NCIC checks will be run to check for evidence of disqualification. Ambiguous results shall be resolved prior to any delivery.

The "Firearm or Ammunition Delivery" form will be completed to show the results of the records checks. Copy of form is located at end of chapter.

- C. **Person to complete "Firearm or Ammunition Delivery" form.** The person requesting delivery of a firearm or ammunition must complete and sign the "Firearm or Ammunition Delivery" form. Any "Yes" answer is a disqualification and the Department cannot deliver firearms or ammunition to the person.

### 202.070 RECORDS TO BE KEPT BY EVIDENCE FACILITY

- A. **Tracking evidence on the Evidence Log.** The Evidence Custodian shall track evidence stored
- B. **The Evidence Custodian will log all property submitted to the Evidence Room.** When the Evidence Custodian receives property for storage, they will record the property.
- C. **Use of the Evidence Log.** The Evidence Custodian is responsible for maintaining evidencelogs.

**202.080 EVIDENCE ROOM INSPECTION AND INVENTORY**

- A. *Evidence room inspection required.*** The evidence facility will be subject to two announced inspections each year. The Chief shall specify the extent and location of items to be inventoried.
- B. *Conduct of evidence facility inspections.*** Inspections of the evidence facility shall include an examination of at least the following items:
1. security of the facility from unauthorized access including the Access Log;
  2. backlog of materials pending processing or storage;
  3. adequacy of facilities for handling materials contaminated with bloodborne pathogens;
  4. proper packaging and labeling of items stored;
  5. proper recording entry of evidence (where applicable); and
  6. comparison of records with actual storage locations
- C. *Chief's designee to prepare inspection report.*** The Chief will designate a person to prepare an inspection report for submission to the Chief. The report will include the date and identification of those conducting the inspection, the description and location of items selected for inventory, and any findings or significant observations. The items sampled for examination will be listed on the "Evidence Inventory Report" form.
- D. *Special inventory upon change of evidence custodian.*** Whenever there is a change in the primary evidence custodian an inventory will be conducted. The inventory shall include all drugs, guns, and cash stored and as many other items as is practical.
- E. *Required annual audit of firearms held in evidence facilities.*** Annually, or more often at the direction of a supervisor, the evidence custodian will deliver to the Chief an audit of all firearms held in the evidence facility (including those temporarily out of the facility for laboratory examination or court). The Chief will direct the officer responsible for each firearm placed in the evidence facility to review the firearms stored and to direct the disposal of firearms no longer needed for investigative purposes, or that have been held for the minimum time outlined in AS 12.36.030-040.

**202.090 RETURN OR DISPOSAL OF PROPERTY**

- A. *Knowledge of Statute.*** The Evidence Custodian and the Alternate Custodian are responsible for being knowledgeable of Alaska Statute 12.36 and Alaska Statute 34.45, as they relate to the disposal of property by the Department.
- B. *Release of Evidence.*** Release of property stored as evidence requires the written notice from the case officer. This written notice will reflect the case number, items to be released, the name of the member who submitted the evidence, and the name of the persons who may receive the property. The evidence custodian is responsible for contacting the owner or other responsible party and arranging the return of the property. Temporary release of evidence property to owner requires the completion of Release of Evidence Property form (see attachment).
- C. *Release of found property or property stored for safekeeping.*** Release of property stored as found or for safekeeping, does not require notification from the member submitting the property, except when the items are money or weapons. Release of money or weapons stored as found or for safekeeping requires written notice from the member who submitted the property.
- D. *Written notice by a supervisor.*** If a member is no longer employed by the Department or is unavailable, the member's supervisor may provide the Evidence Custodian with the written notice required in this section. The supervisor should take care to ensure the property should be released and that it is released to the proper person.

- E. *The Evidence Custodian will complete the release portion of the 12-210 when the property is no longer in the Departments custody.*** The Evidence Custodian will always complete the release portion of the original 12-210 when an item is no longer in the actual custody of the Department.
- F. *Paperwork for surplus or destroyed property.*** When the Department destroys or surpluses property, the Evidence Custodian will attach all supporting documents to the original 12-210; e.g., Court Order, 12-202, supplement, citing the circumstances of disposition and forward to records.
- G. *Prompt disposal of property.*** The Evidence Custodian is responsible for promptly returning or disposing of property that is no longer needed as evidence or that satisfies the requirements of AS 12.36 or AS 34.45. Property is not to accumulate beyond its required storage life. Members will respond promptly to inquiries from the Evidence Custodian regarding disposition of property that they have stored. Evidence Custodians will not dispose of property stored as evidence in unsolved Unclassified or Class A felony crimes.
- H. *Destruction of property to be witnessed.*** Any destruction of property shall be witnessed by at least one person in addition to the custodian responsible for the property.
- I. *Disposal of ammunition.*** Ammunition held by the Department that is slated for disposal shall be destroyed locally whenever possible. The evidence custodian will consult with supervisors and other experts as may be required to assure that ammunition is disposed of in a safe manner.
- J. *Disposal of firearms.*** All firearms, unless released to the owner, the owner's estate, or another agency, etc., will be available for auction or the department may keep for trade-in for police department equipment. Firearms which are illegal or in poor condition will be destroyed. The destruction of those firearms will be done by cutting the firearms into several pieces. Pictures of the destruction will be taken and placed with the case file. A supplement must be made on the destruction of a weapon, which must include reason the weapon is being destroyed, serial number and description. An evidence custodian and an officer must witness the destruction of the weapon and both must sign off on the 12-210.

Prior to the physical release of seized firearms the evidence custodian shall re-check the firearm against APSIN/NCIC stolen weapon files. If new information regarding the firearm is discovered (e.g., it is now listed as stolen) the original case officer or evidence facility supervisor will be notified and the firearm will not be released without further investigation.

## 202.100 ATTACHMENTS

- A. *Evidence Facility Inspection Report***
- B. *Evidence Inventory Report.***
- C. *Record of Evidence Custodian Assignment.***
- D. *Firearm or Ammunition Delivery Form.***
- E. *Evidence Area Access Log***
- F. *Release of Evidence Property***

**EVIDENCE FACILITY INSPECTION- SITKA POLICE REPORT DEPARTMENT**

Inspection Case Number:

Date of Inspection:

Evidence Custodians and Alternates:

Chief Inspector's Name:

Assistant Inspectors' Names:

Comments and Findings:

**EVIDENCE INVENTORY REPORT – SITKA POLICE DEPARTMENT**

Date:	Inspector Name:	Inspection Case Number:
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## SITKA POLICE DEPARTMENT FIREARM AND AMMUNITION DELIVERY FORM

AS 11.56.210 Unsworn Falsification:

- (a) A person commits the crime of unsworn falsification if, with the intent to mislead a public servant in the performance of a duty, the person submits a false written or recorded statement which the person does not believe to be true
  - (1) in an application for a benefit: or
  - (2) on a form bearing notice, authorized by law, that the false statements made in it are punishable.
- (b) Unsworn falsification is a class A misdemeanor.

The following questions must be answered prior to the release of any firearm or ammunition. Please circle yes or no for each question:

1.	YES NO	Are you under indictment for or have you been convicted in any court of a crime punishable by imprisonment for a term exceeding one year?
2.	YES NO	Are you a <b>fugitive</b> from justice?
3.	YES NO	Are you an unlawful user of or addicted to marijuana, any depressant, stimulant, narcotic drug or any other controlled substance?
4.	YES NO	Have you ever been adjudicated as mentally defective or been committed to a mental institution?
5.	YES NO	Are you an alien <b>illegally</b> or <b>unlawfully</b> in the United States?
6.	YES NO	Have you been discharged from the Armed Forces under <b>dishonorable</b> conditions?
7.	YES NO	<b>Have you ever renounced your United States citizenship?</b>
8.	YES NO	Are you subject to a court order restraining you from harassing, stalking or threatening an intimate partner or child of such partner?
9.	YES NO	Have you been convicted in any court of a misdemeanor crime of domestic violence? This includes any misdemeanor conviction involving the use or attempted use of physical force committed by a current or former spouse, parent or guardian of the victim or by a person with a similar relationship with the victim.

I certify that the information I have entered on this form is true and complete to the best of my knowledge. I understand that if I deliberately conceal or enter false information on this form that I do so under penalty of law and could be charged the crimes of perjury or unsworn falsification.

\_\_\_\_\_  
Signature of Person Requesting Release

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Type of Identification and Number

\_\_\_\_\_  
Signature of Department Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Location

**SPD USE ONLY**

Required criminal history records checks completed <input type="radio"/>
Date records checks completed: _____
SPD employee conducting records checks: _____

# Pawn Shop Notice of Property Seizure and Declaration of Intent

Case Number:	Date:
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TO:	FROM: Sitka Police Department
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The Sitka Police Department recently seized the items listed on this form from your company as evidence for use in a criminal prosecution. Please indicate at the bottom of this form whether you waive any claims to the property seized, or if you wish to claim an interest in the property. Please return this form to the Department in the self-addressed envelope provided.

**Property Seized**


**Pawn Shop Intent**

I hereby:                      DO <input type="checkbox"/> DO NOT <input type="checkbox"/> waive a claim to the property described on this form. Waiving property rights will allow immediate return of the property to the former owner of record. If I do not waive property rights I will be notified every 180 days of the status of the property until it is returned to my company or until a judicial proceeding is initiated to determine the disposition of the property.		
Signature of owner, corporate officer, or manager	Printed name	Date

# 180-Day Pawn Shop Notice of Seized Property Status

Case Number:	Date:
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TO:	FROM: Sitka Police Department
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The Sitka Police Department is holding the property listed on this form seized from your company as evidence for use in a criminal prosecution. The current status of the property and the reason for its continued retention is indicated at the bottom of the form.

## Property Seized


## Status of Seized Property

The property listed on this form is being retained for the following reason:

- The property is still required for a pending prosecution or appeal.
- The property is being retained while other persons claiming an interest in the property initiate legal action to determine disposition of the property.

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**CHAPTER 203**  
**TRAFFIC ENFORCEMENT**  
Chapter Revised 01/01/2012

**203.010 INTRODUCTION**

The safe and orderly movement of vehicles on the streets of the City of Sitka is a prime concern of the Police Department. Each year over one hundred persons die and thousands are injured on Alaska's highways. Enforcement of the traffic laws is a valuable tool in providing for the safety of the motoring public.

**203.020 OPERATIONS LIEUTENANT TO MANAGE TRAFFIC ENFORCEMENT**

The Operations Lieutenant will analyze accident trends and traffic enforcement efforts in the City, and based upon this analysis will develop enforcement plans designed to increase traffic safety on roadways in the City.

**203.030 VERBAL WARNINGS**

Verbal warnings play an important role in the Department's overall traffic management plan. When it is deemed appropriate, a verbal warning may be given in lieu of a formal citation.

**203.040 UNIFORM TRAFFIC CITATION**

The Uniform Traffic Citation (UTC) will be used to cite a violator for traffic violations. The violator will be requested to sign the form, however, the violator is not required to sign the citation. If a violator refuses to sign the UTC the violator's copies should be served upon them, and their refusal to sign noted on the court and CA or DA copies.

**203.050 TRAFFIC STOPS**

- A. *Traffic stops will be made safely.*** All traffic stops will be made in a manner that minimizes traffic disruption and avoids creating dangers for other traffic. Emergency vehicle operation will be conducted within compliance of OPM Chapter 103.
- B. *Officers to make appropriate driver and vehicle checks.*** As appropriate to the circumstances of the traffic contact, officers are responsible for checking drivers for warrants and license status; vehicles for proper registration, VIN, proof of insurance and stolen status. When practical, these checks should include both APSIN and NCIC.
- C. *Members will not advise violators how to plea to the citation.*** Violators should be advised that they must respond to the citation and what their options are. Violators will not be coerced, threatened, intimidated, encouraged or discouraged to take a particular option. This includes suggesting that if the violator contests the citation the citation will be amended to another violation.
- D. *Members will not accept fines for violations.*** Under no circumstances will members accept payment of bail by violators cited for traffic infractions. This includes offers to mail or otherwise convey the bail to the court.

**203.060 TRAFFIC RADAR OR LASER OPERATION**

- A. *Members must be certified prior to issuing citations based on radar or laser speed measuring device.*** Prior to using traffic radar or laser for enforcement a member shall complete the prescribed training course approved by the Alaska Police Standards Council, complete a practical examination, and pass a written test to obtain a radar and/or laser certification. Without current certification, an officer may not issue a radar or laser supported UTC. Radar and laser speed measuring device certifications are good for three years, after which an officer must be recertified.

- B. *Speed measuring equipment to be certified.*** Radar units and tuning forks must be certified annually. Laser speed measuring devices must be certified annually
- C. *Members must review the instruction manual.*** Prior to use, members must review the instruction manual for the model radar unit or Laser unit assigned to them or that they are using.
- D. *Positioning of radar antenna.*** Radar antennas shall be mounted and positioned as directed by the manufacturer, and as directed in the certification training.
- E. *Operation of traffic radar or laser speed measuring device.*** Traffic citations supported by radar will not be issued except when the auto-lock function is disengaged; any alarm is disabled (or speed set to 99 mph); visual speed estimation and identification of the violator was made prior to verification of speed by the radar unit; the operator was able to recognize a valid Doppler tone from the radar; and, if the radar is being operated in moving mode, that the patrol speed indicated by the radar was verified against the vehicle speedometer. Laser speed measuring device citations will only be issued when the officer has made a visual speed estimate of the target, determined the laser has acquired that target, and determined the laser reading correlates with the visual speed estimate.
- F. *Malfunctioning radar or laser speed measuring device will be taken out of service.*** Any radar or laser speed measuring device found to be responding improperly shall be immediately taken out of service and written notification made to the Operations Lieutenant detailing the specifics of the malfunction.
- G. *Malfunctioning speedometer will be repaired.*** When operating radar in moving mode, Officers shall compare the speed shown by the radar unit with the speedometer. If a deviation greater than +/- 3 mph is observed the Officer shall arrange for the speedometer to be checked against another radar unit and for its repair if the deviation is confirmed. No citations will be issued based upon radar in moving mode when in a vehicle with a faulty speedometer.

#### **203.070 DRIVING WHILE UNDER THE INFLUENCE ENFORCEMENT**

- A. *Field sobriety tests should always be offered to DUI suspects.*** Whenever practical officers shall offer field sobriety tests to DUI suspects. However, officers will consider the location; the suspect's condition; and the safety of the officer, the suspect, and passing traffic when deciding when and where to conduct field sobriety tests.
- B. *Officers will be certified prior to conducting breath testing.*** Only officers currently certified in the operation of the breath testing instrument being used will conduct the breath testing of a DUI suspect.
- C. *Attorney contact with the suspect.*** If during the observation period prior to administering the breath test the suspect requests to contact an attorney, reasonable efforts will be made to contact the attorney. All audio recording devices will be turned off during their conversation. If the suspect can not be observed and be given privacy, e.g. a room with a large window, the attorney will be advised of that fact prior to giving the phone to the suspect. Any conversation between the attorney and the suspect which is overheard can not be used against the suspect.
- D. *Administration of a chemical test of blood or breath without consent.*** AS 28.35.035 authorizes an officer to administer a chemical test of blood or breath to determine blood alcohol content, without the persons consent, under specific circumstances. Arrangements should be made with a local medical facility establishing procedures and paper work requirements for taking a sample of blood, prior to the need for such a procedure. Procedures should also be established regarding where the sample will be tested. A second tube of the blood sample, drawn at the same time, should be maintained as evidence to allow the defendant to have the sample independently tested at a later date.

#### **203.080 PORTABLE BREATH TESTS (PBT)**

- A. *PBT to be offered only after field sobriety tests are completed.*** In those locations where the PBT is used it will be the last test offered to the driver in the field. Officers will not offer the suspect a PBT and make the decision to arrest or not to arrest the suspect absent other evidence of intoxication.

**B. Prerequisites for requiring a driver to take a PBT.**

1. Drivers 21 YOA or older -- Only drivers contacted for moving violations, as the result of a motor vehicle accidents, or for operating a motor vehicle with an open alcoholic container will be required to give a sample of their breath. (In those cases where the driver refuses to give a breath sample, a UTC will be issued for "Failure to take a preliminary breath test". [Ref. AS 28.35.031(b)]
2. Drivers 14 to 20 YOA – If an Officer has probable cause to believe a driver aged 14 and less than 21 years has consumed any amount of alcohol they may request a person to submit to a breath test under the conditions set out in AS 28.35.280.

**C. Required advisement.** Prior to offering the PBT, the driver must be advised that refusal to take the test may be used against him/her in a civil or criminal action arising out of the incident and that a refusal is an infraction.

**D. Refusal is not an offense for which an arrest can be made.** If the driver refuses to give a PBT breath sample, issue a UTC for "failure to take a preliminary breath test." You cannot arrest a driver for refusing this test. [Ref. AS 28.35.031(b)]

**E. Non-arrested drivers who test higher than "0.05" will be discouraged from driving.** If an officer, after administering field sobriety tests and a PBT which indicates a blood alcohol level between .05 and .08, determines that a driver will not be arrested he shall strongly discourage the driver from operating a motor vehicle. The officer may allow the driver to make other transportation arrangements and may facilitate these as appropriate.

**F. PBT results will be placed on the citation.** If driver submitted to a PBT but was not arrested, the result will be noted on the UTC that is issued as a result of the contact.

**G. The results of any PBT will be reflected in the case report.** Any time a PBT is used in the investigation of an incident for which a case report is completed, the results and the time of the test will be included in the report.

### 203.090 SEAT BELTS AND CHILD RESTRAINTS

**A. Seat belt and child restraint citations.** It is the policy of the Department that unless extenuating circumstances exist, citations for failure to use seat belts or child restraints will be issued whenever members observe violations or determine through investigation that violations occurred.

**B. Belt and child restraint citations at motor vehicle crashes.** Motor vehicle crashes qualify as a primary reason for contact and therefore citations for failure to wear seat belts or child restraints may be issued at crashes in compliance with 203.090 (A).

### 203.100 MOTOR VEHICLE CRASH INVESTIGATION

**A. Response to reported accidents.** Whenever possible, for the purpose of determining whether the crash qualifies for investigation, a Police Officer will respond to every motor vehicle crash reported.

**B. When crash reports are mandatory.** Members will complete a motor vehicle crash report on every crash occurring on public roadways where there is an injury or fatality, major damage making any vehicle inoperable, significant damage to buildings or traffic control equipment, or a person is charged with a criminal traffic violation as a result of the crash (e.g. DUI, Reckless driving, etc.). When the expertise of the Department's Traffic Accident Investigator (TAI) is needed, the Operations Lieutenant will be contacted to approve call-out of the TAI.

Nothing in this subsection prohibits the preparation of crash reports in cases not meeting these mandatory reporting requirements.

**C. When crash reports will not be prepared.** Motor vehicle crashes occurring on private property will not be investigated unless they involve a fatality, an injury requiring medical attention, or a criminal traffic offense.

- D. ***Participant's crash report.*** Drivers of vehicles involved in crashes reported to the Department in compliance with AS 28.35.080, but not investigated, will be instructed to complete a participant's crash report within 48 hours of the accident.
- E. ***Fatal crash reports to be sent to FARS within ten days.*** Copies of fatal crash reports will be sent to the Fatal Accident Reporting System (FARS) representative at Department of Transportation, Highway Safety Planning Office within ten days of the crash. If the report is incomplete a partial or draft report may be submitted.

### 203.110 HAZARDOUS MATERIALS SPILL NOTIFICATION

The following guidelines will be followed while investigating motor vehicle accidents and other incidents in which oil, gasoline, or other hazardous materials are spilled.

- A. ***Automotive product spills of 10 gallons or less.*** Spills of oil, gasoline, anti-freeze, gear lube, diesel, or other fluids normally associated with motor vehicles, in a quantity estimated to be 10 gallons or less that have not drained away from the road right-of-way and do not threaten to enter any water or drainage system, should be removed by the responding tow truck operator. If no tow truck is utilized, a person designated by the spiller must remove the material. If the person responsible for the spill is unable or unwilling to remove the material, the Department of Environmental Conservation (DEC) must be contacted for removal. DEC will bill the responsible party. The Sitka Volunteer Fire Department can be contacted to assist in the removal of the material.
- B. ***Notification if roadway damaged or blocked.*** In cases where the roadway needs immediate attention before reopening and other sources are not readily available, City Public Works or the Alaska Department of Transportation may be notified. If the Department of Transportation is utilized, the investigating Officer must furnish the name and address of the spiller to the Superintendent of the Department of Transportation (DOT) District Maintenance and Operations office responsible for the area.
- C. ***Notification to DEC of large spills or spills into waters.*** The Alaska Department of Environmental Conservation (DEC) should be requested to respond to the scene of all major hazardous material spills such as tank truck accidents, etc. When spills of hazardous materials in any amount are estimated to be in excess of 10 gallons occur or in which any water system or drainage is threatened, the investigating Officer should immediately furnish dispatch with the following information to be passed onto the Department of Environmental Conservation:
  - 1. Location, estimated size, and type of material involved in the spill;
  - 2. Information as to type of water system or drain system threatened by spilled material; and,
  - 3. Name, address, and telephone number of individual or company responsible for the spill.

### 203.120 TINTED WINDOWS

- A. ***Medical certificates accepted.*** A medical certificate issued by a physician licensed to practice in this state, any other state, or province of Canada will satisfy the requirements of 13 AAC 04.223 (c)(2).
- B. ***Vehicles temporarily in state not to be cited.*** Vehicles that are not registered in the State of Alaska and are in Alaska only temporarily will not be cited for violation of 13 AAC 04.223.
- C. ***New residents to be advised of law.*** Drivers of vehicles that are not registered in the State of Alaska who indicate that they intend on becoming a resident of the State will be advised of the provisions of 13 AAC 04.223.

### 203.130 COMMERCIAL VEHICLE ENFORCEMENT

- A. ***Commercial Vehicle Enforcement Inspector.*** The CVE inspector will be certified by the US DOT and the Commercial Vehicle Safety Alliance to conduct North American Standard Level-1 inspections. The inspector will have the responsibility to enforce all Commercial Motor Vehicle (CMV) regulations at all times while on duty and provide assistance to other officers in the enforcement and education of CMV regulations. The inspector will also operate in accordance with the Alaska Department of Transportation – CVE's enforcement procedures.

- B. *Notification of Accidents involving commercial vehicles.*** The Commercial Vehicle Enforcement Inspector will be notified as soon as possible of all crashes involving commercial vehicles. The inspector will respond to the scene of the crash and assist with the investigation. The responding officer or shift supervisor can request the assistance from the CVE Inspector.
- C. *The Commercial Motor Vehicle Accident Supplement.*** The commercial vehicle motor vehicle accident, supplement which is formatted on a 12-202, will be completed by the investigating Officer and attached to the report a copy of which will be sent to the DOT CVE unit in Anchorage.
- D. *Citing the driver of a commercial vehicle transporting hazardous materials.*** Members who cite the driver of a commercial vehicle that is transporting hazardous materials for a moving violation will indicate on the citation form that the violator was operating a commercial vehicle transporting hazardous materials. The citation will also indicate a mandatory court appearance.

### 203.140 USE OF IN-CAR VIDEO SYSTEMS

- A. *In-car video to be used for all traffic stops.*** When a camera is installed and operational, it will be utilized for all traffic stops. This does not preclude the Officer from activating the camera prior to the emergency lights should he/she desire to start the taping earlier.
- B. *Storage of recordings.*** Prior to end of shift, Officers shall upload recordings onto server. Recordings of evidentiary value (DWI, reckless driving, etc.) shall be immediately processed appropriately as evidence.
- C. *Pre-operation In-car Video System checks to be conducted.*** Officers will assure the system is working properly at the beginning of each shift by recording a short segment and reviewing the playback. The check will include audio, radar, and the menu data. The setup program will be used as needed to update the time, date, car number and radar check.

If the pre-operation checks reveal that the system is not operating properly, the Officer will write a maintenance request describing the specific problem and route it to the Police Technician. The equipment shall not be used until repaired.

- D. *Recording traffic stops and other contacts.***
  1. The system will be activated to record all traffic stops and enforcement actions. Recordings of other activity will be made at the discretion of the officer.
  2. The Officer should begin the audio recording as soon as possible after the decision to initiate a stop and should articulate a verbal account of his observations throughout the stop. If the initial reason for the contact was not recorded the officer should articulate his pre-recording observations on the tape.
- E. *Violator may review recording.*** At the Officer's discretion, violators may be allowed to view the violation observed during the traffic stop or at the police station at a later time. Request for a copy of the violation shall be made in writing to the records section and will be provided upon payment of the fee for recording duplication.
- F. *Notation of recordings on citations and in reports.*** When a recording has been made during the issuance of a citation the officer will mark the space provided on the front of the citation. On cases involving an arrest where a recording is stored as evidence the appropriate evidence forms are to be completed and the existence of the recording noted in the narrative.
- G. *Recordings for law enforcement purposes only.*** Recordings will be used for law enforcement purposes only. Allowing unauthorized viewing, release, or copying is grounds for disciplinary action. Recordings are not to be taken to any officer's home for retention.

The Lieutenant or Chief must approve use of any recording beyond the scope of the related case.

Original recordings will never be used for training. When a recording is approved for training, a copy will be made and clearly marked.

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## CHAPTER 204 VEHICLE IMPOUND PROCEDURES

Chapter Revised 01/01/2012

### 204.010 AUTHORITY

- A. Authority to impound vehicles.** Police Officers, or officially designated Department employees, may impound vehicles that are:
1. blocking ingress or egress to private property per SGC 11.40.160 [Ref. SGC 11.40.180 ];
  2. without license plates or other evidence of registration [Ref. SGC 11.13.02.345 (B) (2)];
  3. reported as stolen or taken without the owner's consent [Ref. SGC 11.13.02.345 (B) (1)];
  4. found or presumed abandoned [Ref. SGC 11.13.02.345 (B) (3)];
  5. falsely registered or without evidence of registration [Ref. SGC 11.13.02.345 (B) (2)];
  6. having removed, defaced, or altered identification numbers [Ref. AS 28.05.091];
  7. the vehicle is a traffic hazard (Ref. SGC 11.13.02.345 (A));
  8. the vehicle is parked in violation of SGC 11.13.02.340-372 [Ref. SGC 11.13.02.345]; or
  9. the vehicle is interfering with snow removal or road maintenance [Ref. SGC 11.13.02.340 (A)];
  10. parked on private property per SGC 11.40.150 [Ref. SGC 11.40.180
- B. Removal of vehicle when driver is arrested.** If arrested, a driver may have the vehicle removed immediately by someone else or by a towing company. If the driver can not or will not designate someone to take custody of the vehicle, it may be impounded. [Ref. SGC 11.13.02.345 (E)]
- C. If the vehicle is evidence or contains evidence of a crime it may be impounded.** If there is probable cause to seize the vehicle as evidence of a crime or because it contains evidence of a crime, it may be impounded.

### 204.020 GENERAL INFORMATION

- A. When the owner of the vehicle is responsible for the towing and storage fees.** The owner of the vehicle is responsible for the impound fee, towing fee and storage fees unless the vehicle was impounded for investigation. The owner of the vehicle is also responsible for the impound fee, towing fee and storage fees if the vehicle was impounded for investigation relating to the vehicle being involved in a collision with a person. [Ref. AS 28.05.091, AS 28.11.010, AS 28.35.070, SGC 11.13.02.345 (D), SGC 11.60.010 (C)]
- B. When SPD is responsible for the towing and storage fees.** SPD is responsible for the towing, impound, and storage fees if the vehicle is impounded for investigation, other than investigation of a collision with a person. SPD is responsible for the storage fees of a vehicle impounded for investigation until the owner is notified that the vehicle may be released.
- C. Only the investigating officer may release a vehicle impounded for investigation.** Only the investigating officer, or in his absence, his supervisor, shall be allowed to release a vehicle that was impounded for investigation. The investigating officer shall be responsible for the release of the vehicle including notification of the owner and the towing company. See OPM Section 204.080.

**204.030 ABANDONED VEHICLES**

- A. ***Presumption of abandonment.*** The definition of a vehicle presumed to be abandoned is found in SGC 9.12.010 (G).
- B. ***Removing abandoned vehicles from private property.*** A Private Persons Impound/Citation Request Form must be obtained from the property owner prior to any vehicle being impounded. (Ref. 11.140 & 11.140.160 - Authority under SCG 11.40.180) Attempts to contact the vehicle registered owner should be made prior to impounding vehicle. Forward all abandoned vehicle impounds to the Traffic Officer/Multi-Services Officer.
- C. ***Notice to owner of impounded vehicle:*** A notice will be sent to all owners and lien holders within 2 weeks of the impoundment of an abandoned vehicle. The notice will include the opportunity for a hearing. Vehicles not claimed may be sold at public auction or disposed of as junk. (SGC 11.60.020 & 9.12.020)

**204.040 TRAFFIC HAZARDS**

- A. ***Traffic hazards defined.*** A vehicle is a traffic hazard when it "is left on the roadway or under circumstances which obstruct the normal movement of traffic." [Ref. 13 AAC 02.345(a)]
- B. ***Traffic hazards will be removed expeditiously.*** Traffic hazards will be removed as soon as practicable.
- C. ***Traffic hazards will be photographed prior to removal.*** Officers shall photograph vehicles that are a traffic hazard prior to the vehicle's removal.
- D. ***Contact with the owner should be attempted prior to removal.*** If the owner is not present, officers should attempt to have the vehicle's registered owner contacted to arrange for immediate removal of the hazard. If the owner is present, or has been contacted, and wishes to designate a towing service, the request shall be honored unless a more expedient removal is necessary. Officers shall document all attempts to contact the owner.
- E. ***Vehicles interfering with road maintenance will be removed immediately.*** Vehicles parked illegally and interfering with road maintenance shall be immediately impounded to a place of safekeeping.
- F. ***Removal of vehicles that are parked illegally but are not traffic hazards.*** It is not the policy of the Department to impound vehicles that are simply parked illegally. If the vehicle is not a traffic hazard, abandoned, interfering with snow removal, or interfering with road maintenance, members will contact their supervisor prior to impounding an illegally parked vehicle.

**204.050 IMPOUND PROCEDURES**

- A. ***All vehicles will be checked for stolen status prior to impounding.*** An officer impounding a vehicle will make a want or stolen check prior to impounding the vehicle.
- B. ***Dispatch to be notified of impound.*** Officers will notify dispatch that the vehicle is being impounded and provide dispatch with the vehicle's description and location.
- C. ***Inventory of the vehicle's contents.*** Officers will complete an inventory of the contents of a vehicle when they impound it. Officers are not required to open closed containers or locked compartments. The containers should be listed on the inventory. If officers do not inspect locked compartments they should note that fact on their impound form **D. *Storage and release of personal property from vehicle.*** Personal property may remain in an impounded vehicle until after investigative examinations have been completed. Sensitive items (e.g., cash, weapons, valuable jewelry, etc.) will normally be removed from the vehicle and placed in the evidence storage facility for safekeeping until claimed by the owner or their authorized representatives.

If the vehicle impounded is involved in an investigation or criminal case, the investigating officer will obtain written authorization from the proper authority prior to authorizing the release of the vehicle or personal property.

#### 204.060 ADMINISTRATIVE HEARINGS

An administrative hearing before the Assembly must be requested within 20 days from the date of written notification of the impound. (SGC 11.60.020 & 9.12.020)

#### 204.070 VEHICLE IMPOUND REPORT FORM

- A. ***Vehicle Impound Report Form required when a vehicle is impounded.*** Officers shall complete the Vehicle Impound Report Form when a vehicle is impounded. The form will be completed and submitted to Dispatch with a copy to be filed with the case report and the original placed in the Vehicle Impound Book.
- B. ***The towing service operator will sign the form as a receipt.*** The officer should complete the form, sign it, and have the towing service operator sign it in receipt of the vehicle and contents.

#### 204.080 RELEASE PROCEDURES

- A. ***Vehicles impounded for other than investigation.*** If the vehicle was impounded for reasons other than investigation, the vehicle owner will need to bring proof of ownership to the Sitka Police Department and sign the release portion of the Vehicle Impound Report form. The owner must pay the towing, impound and storage fees. The vehicle must have current registration.
- B. ***Vehicles impounded for investigation.*** If the vehicle was impounded for investigation, the vehicle will only be released after written release by the investigating officer or his supervisor is obtained. The cost of the towing, impound, and storage fees will be the responsibility of the police department.
- C. ***Officers are required to notify owners when the vehicle may be released.*** Investigating officers are required to notify the owner of vehicles impounded for investigation when the vehicle may be released. Upon being notified of the release, the owner is responsible for any storage fees accruing from that date forward.

#### 204.090 TOWING SERVICES

- A. ***The minimum requirements to be on the rotational list.*** The following will be the minimum requirements a towing service must have to be on the Department's rotational lists:
  - 1. A current State of Alaska Business License for operating a towing service.
  - 2. "On hook" insurance in the amount of \$25,000.00 or more.
  - 3. "Yard" insurance based on the number of impounded vehicles in the lot at any one time. Five to ten vehicles would need \$200,000 in insurance, ten to fifteen would need \$300,000, fifteen to twenty would need \$400,000, etc.
- B. ***Background checks of the owners.*** The owners, operators, and persons with a financial interest in the towing company will have their criminal histories checked. Convictions for the following shall preclude someone from being used by the Department:
  - 1. "Honesty crimes," theft, burglary, perjury, false report, embezzlement, etc.;
  - 2. "Obstruction of justice crimes," escape, destruction of evidence, harboring a fugitive, etc.;
  - 3. Drug offenses.

- C. *SPD may establish certain requirements.* SPD may establish reasonable local requirements in addition to those outlined in this section for the towing services on the Department's rotational lists. Examples of some requirements would be; fencing of the impound yard, the towing service's vehicle identification requirements (permanent vs. non-permanent), whether or not multiple business licenses allow a towing service multiple slots on the rotational list, whether the towing company must file a fee schedule with the Department, etc.
- D. *Utilization of all services.* Except where the Department has entered into a contract for towing and impound services the Department shall fairly and equitably utilize all towing services available that meet the requirements of State Statutes and Regulations, and this policy. If the Department must select a service, a rotational call list maintained by the department will be used. No member shall recommend a particular towing service.
- E. *Disposing of a Vehicle.* Should the vehicle be of no value, a Declaration of Junked Vehicle Form will be signed by the Chief of Police or designee. A copy of the form will be delivered to the Department of Motor Vehicles. (SGC 11.60.020 C)

#### 204.100 ATTACHMENTS

- A. *Private Persons Impound/Citation Request Form.*
- B. *Vehicle Impound Report form.*

LETTERHEAD

PRIVATE PERSONS IMPOUND/CITATION REQUEST FORM

SCG 11.40.180 PENALTIES FOR ILLEGAL PARKING

In the event of any violation of Sections 11.40.150 through 11.40.160 and upon the written request of the rightful owner or lessee of the off-street private parking place, any vehicle parked in off-street parking facilities without permission of the owner, or any vehicle blocking the ingress or egress of motor vehicles to and from private parking spaces, shall be impounded by the municipality and the vehicle towed to an approved storage facility where it shall be retained until the owner pays the towing charges. Any vehicle not reclaimed within thirty days shall be deemed abandoned and the notice of sale shall be given as required by Section 11.60.020A.

If the vehicle is worthless, or the proceeds of the sale are insufficient to cover costs of sale or removal, the person who gave written request to remove the vehicle shall be responsible for paying the difference.

I hereby certify by my signature below, that I am the lawful representative of the person, firm or corporation below, upon whose property, the following described vehicle is unlawfully parked. I also agree to pay for all fees incurred against the vehicle if these fees are not paid by the owner of the vehicle. It is further understood, that my signature does hereby release and agree to hold harmless, the City & Borough of Sitka from any claims by any person(s) for damages arising from the removal or impoundment of the below listed vehicle:

YR: \_\_\_\_\_ MAKE: \_\_\_\_\_ LIC #: \_\_\_\_\_

\_\_\_\_\_ I request the Police Department, City of Sitka, to impound the above vehicle. SCG.11.40.180

\_\_\_\_\_ I request the Police Department, City of Sitka, to cite the above vehicle only. SCG.11.40.150

\_\_\_\_\_  
Lawful Representative of Property/Name of Person, Firm-Corporation

\_\_\_\_\_  
Address and Telephone Number

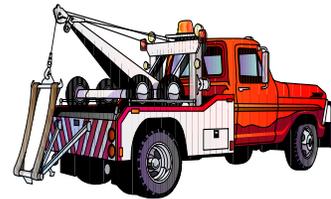
\_\_\_\_\_  
Date of Request

DR Number: \_\_\_\_\_  
Police Officer Accepting This Form



SITKA POLICE DEPARTMENT

# VEHICLE IMPOUND REPORT FORM



DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ DR#: \_\_\_\_\_

LOCATION OF IMPOUND: \_\_\_\_\_

VEHICLE TOWED TO: \_\_\_\_\_

VEHICLE DESCRIPTION: \_\_\_\_\_ COLOR: \_\_\_\_\_ YEAR: \_\_\_\_\_

MAKE: \_\_\_\_\_ MODEL: \_\_\_\_\_

LICENSE: \_\_\_\_\_ STATE: \_\_\_\_\_

IMPOUNDED FOR: JUNKED/ABANDONED  EVIDENCE   
ARREST  OTHER(SPECIFY)  \_\_\_\_\_

### INVENTORY & CONDITION OF VEHICLE WHEN IMPOUNDED

BODY: GOOD  FAIR  OTHER  \_\_\_\_\_

TIRES: INFLATED  DEFLATED

DOORS: LOCKED  UNLOCKED

KEYS: IN VEHICLE  IN EVIDENCE

COMMENT/INVENTORY OF VEHICLE: \_\_\_\_\_

\_\_\_\_\_

OFFICER AUTHORIZING IMPOUND OF VEHICLE: \_\_\_\_\_

TOWING SERVICE OPERATOR: \_\_\_\_\_

### VEHICLE WILL BE RELEASED UPON PAYMENT OF FEES/FINES & PROOF OF OWNERSHIP:

TOWING FEE: \$ \_\_\_\_\_

IMPOUND FEE: \$ 50.00

STORAGE FEE @ \$10:00 A DAY: \$ \_\_\_\_\_

CITATION(S): \$ FINE(S) DOUBLES IF NOT PAID WITHIN 72 HOURS

RELEASED TO: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE \_\_\_\_\_

**I STATE THAT I AM THE LAWFUL OWNER OF THE ABOVE DESCRIBED VEHICLE.**

SIGNATURE OF OWNER: \_\_\_\_\_ RECEIPT #: \_\_\_\_\_

OFFICER AUTHORIZING RELEASE OF VEHICLE: \_\_\_\_\_

**THE STORAGE FEES STARTS 24 HOURS AFTER THE VEHICLE HAS BEEN IMPOUNDED.**

**CHAPTER 205**  
**COMMUNICABLE DISEASES**

Chapter Revised 01/01/2012

**205.010 CONTROL OF BLOODBORNE PATHOGENS**

- A. *Universal Precautions.*** Under the doctrine of Universal Precautions, employees shall treat all human blood and certain other body fluids as if known to be infectious for HIV, HBV, and other bloodborne pathogens. In the circumstances where it is difficult or impossible to differentiate between body fluid types, we assume all body fluids to be potentially infectious.
- B. *Work Practice Controls.*** The Department has adopted the following work practice controls as part of our Bloodborne Pathogens Compliance Program:
1. Employees will wash their hands immediately, or as soon as feasible, after removal of potentially contaminated gloves or other personal protective equipment.
  2. Following any contact of body areas with blood or any other infectious materials, employees wash their hands and any other exposed skin with soap and water as soon as possible. They also flush exposed mucous membranes with water.
  3. Employees will remove or replace gloves which are contaminated or which may be contaminated before entering the driver or front passenger compartment of department vehicles. This practice avoids contamination of vehicle controls, seats, radios, etc.
  4. Eating, drinking, smoking, applying cosmetics or lip balm and handling contact lenses is prohibited in work areas where there is potential for exposure to bloodborne pathogens.
  5. Food and drink is not kept in refrigerators, freezers, on countertops or in other storage areas where blood or other potentially infectious materials are present.
  6. All procedures involving blood or other infectious materials minimize splashing, spraying or other actions generating droplets of these materials.
  7. Specimens of blood or other materials are placed in designated leak-proof containers, appropriately labeled, for handling and storage.
  8. If outside contamination of a primary specimen container occurs, that container is placed within a second leak-proof container, appropriately labeled, for handling and storage. (If the specimen can puncture the primary container, the secondary container must be puncture-resistant as well.)
  9. Equipment which becomes contaminated is examined prior to servicing or shipping, and decontaminated as necessary (unless it can be demonstrated that decontamination is not feasible).
    - a. An appropriate biohazard warning label is attached to any contaminated equipment, identifying the contaminated portions.
    - b. Information regarding the remaining contamination is conveyed to all affected employees, the equipment manufacturer and the equipment service representative prior to handling, servicing or shipping.
- C. *Protective Gear.*** Personal protective gear is supplied to all members of the Department with anticipated occupational exposure to bloodborne pathogens. It is the policy of the Department that protective gear shall be used to avoid exposure whenever practical. Protective gear includes, but is not limited to, gloves, safety glasses and face shields, shoe covers, disposable coveralls. Hypoallergenic gloves are available for any employee allergic to the gloves normally issued.

To make sure that this equipment is used as effectively as possible, our employees adhere to the following practices when using their personal protective equipment:

1. Any garments penetrated by blood or other infectious material are removed immediately, or as soon as feasible.
2. All potentially contaminated personal protective equipment is removed prior to leaving a work area.
3. Gloves are worn in the following circumstances:
  - a. Whenever employees anticipate hand contact with potentially infectious materials.
  - b. When handling or touching contaminated items or surfaces.
4. Disposable gloves are replaced as soon as practical after contamination or if they are torn, punctured or otherwise lose their ability to function as an "exposure barrier".
5. Masks and eye protection (such as goggles, face shields, etc.) are used whenever splashes or sprays may generate droplets of infectious materials.
6. Protective clothing is worn whenever potential exposure to the body is anticipated.
7. A CPR shield or other device is used whenever employees must provide mouth-to-mouth respiration.

**D. *Housekeeping.*** All equipment and surfaces are cleaned and decontaminated after contact with blood or other potentially infectious materials. Regulated waste and contaminated evidence items to be disposed of will be handled very carefully.

1. They are discarded or "bagged" in containers that are:
  - a. Closeable
  - b. Puncture-resistant if the discarded materials have the potential to penetrate the container.
  - c. Leak-proof if the potential for fluid spill or leakage exists.
  - d. Red in color or labeled with the appropriate biohazard warning label.
2. Containers for this regulated waste are placed in appropriate locations in our facilities within easy access of employees and as close as possible to the sources of the waste.
3. Waste containers are maintained upright, routinely replaced and not allowed to overfill.
4. Whenever employees move containers of regulated waste from one area to another the containers are immediately closed and placed inside an appropriate secondary container if leakage is possible from the first container.

#### **205.020 NOTIFYING PERSONS OF EXPOSURE TO COMMUNICABLE DISEASES**

**A. *Members will record names of persons giving first aid or contacting victims.*** At any crime scene or accident where the possibility exists that non-department members (good Samaritans) will be exposed to bloodborne pathogens or other communicable diseases, the member in charge of the case will record the name, address, and phone number of any person likely exposed to bloodborne pathogens in the case report.

This information may be recorded in the body of the report.

**B. *The presence of communicable diseases will be reported.*** The member in charge of the case report will ensure that a timely follow-up is done with the hospital, lab, or pathologist to determine the presence of any infectious or communicable diseases; and if found, will notify all persons identified in 205.020 (A) of their possible exposure.

Notification of persons under this section will be noted in the case report.

### **205.030 POSTAL SHIPMENT OF CONTAMINATED ITEMS**

Items contaminated with bloodborne pathogens, such as soiled uniforms, evidence clothing, blood samples, other bodily fluids, or any other contaminated objects can be shipped through the mail only if packaged and labeled in accordance with postal regulations. Packages for mailing contaminated items should be prepared and labeled as follows:

1. Securely seal the BBP contaminated items inside a red plastic biohazard bag
2. Securely seal the first sealed bag inside a second biohazard bag.
3. Place the bags inside a sturdy cardboard box that is not likely to be crushed or broken open in normal shipment and handling.
4. Place appropriate paperwork inside the box.
5. Seal the box with tape over all folds and openings to create a closed and sealed container.
6. Address the box including a contact telephone number. Both the delivery and return addresses must be a physical address (no post office boxes).
7. Place at least one biohazard sticker on the box adjacent to the address.

It is recommended that the person who packed the box take it to the post office as the postal clerk may ask questions about the contents and packaging.

### **205.040 CLEANING CONTAMINATED CLOTHING**

There is only one OSHA and DEC licensed facility in Alaska for cleaning BBP contaminated items:

Alaska Cleaners  
715 West Fireweed Lane  
Anchorage, Alaska 99503

This facility can only process items that can be hot water washed. Heat and/or bleach is essential to kill viral contaminants. Do not submit items for cleaning that cannot be hot water wash, e.g. wool clothing. Wool and other items that cannot be hot water washed will be rejected unless they are accompanied by a written "hold harmless" letter absolving Alaska cleaners of any responsibility for shrinkage, color fading, or other damage resulting from the cleaning process.

BBP contaminated items must be taken or mailed directly to Alaska Cleaner's West Fireweed plant. Do not take items to any Alaska Cleaners satellite offices. The satellite office personnel are not trained or certified to handle BBP contaminated items.

If the items are mailed they should be packaged in accordance with OPM 205.030, and contain a memo or letter that includes the shippers name and address, description of the items submitted, return mail instructions, and instructions to bill the SPD.

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**CHAPTER 206**  
**PUBLIC INFORMATION AND PRESS RELATIONS**  
Chapter Revised 01/01/2012

**206.010 GENERAL INFORMATION**

- A. *Department responsibility to inform the public.*** The Sitka Police Department has a responsibility to inform the public of their involvement in activities and matters relating to public safety and to prevent release of information that could jeopardize the rights or reputations of innocent people, or hinder any criminal investigation or prosecution.
- B. *Information released only as authorized.*** Employees shall release information only as authorized by procedure or in response to court order. Employees intentionally releasing information or records in any form in violation of policy, or those inadvertently releasing protected information through negligence, maybe subject to discipline.
- C. *Chief of Police/Operations Lieutenant responsible for release of information to press.*** The Chief of Police or designee is responsible for release of information to the press. The Operations Lieutenant shall generally make appropriate details concerning matters of interest available to the public by providing such information to the media and/or department personnel.
- D. *Media access to be equal.*** Any information released to a media outlet shall be made available to all news media facilities in the area. No preferential treatment will be given.
- E. *Public appearances are encouraged.*** All personnel are encouraged to appear before schools, military, civic, sport, and other groups as representatives of the Department to promote respect and trust between the public and the Department. Such appearances must receive prior approval from the Chief or Operations Lieutenant.

**206.020 PRESS RELEASES**

- A. *Department to make regular "hard news" press releases.*** The Department shall make press releases on significant events including, but not limited to, reported offenses; injury or fatal accidents; arrests; search and rescue missions; drug seizures; Department activities; incidents affecting public safety; and other information requested by local news media. Shift supervisors are responsible for reviewing press releases for accuracy, detail, grammar, spelling, appropriateness, and compliance with this chapter prior to routing to the Operations Lieutenant and Chief.

Information may be released to the public for the purposes of assisting an investigation or alerting the public to a safety or crime problem. Such information releases must take into account the Victim Rights Act of 1991. Releases seeking public assistance should clearly indicate who is to be contacted and if there is a reward program that applies.

- B. *Release of information concerning criminal incidents.*** Information concerning criminal incidents or investigations may be released to the news media provided that no information which would be prejudicial in any resultant prosecution is included. In general, details of the incident or investigation such as the type of crime, location, dates and times of the incident and report; the identity of the investigating agency, and newsworthy aspects of the investigation of a non-prejudicial nature such as the number or identity of officers involved and the duration of the investigation may be released.

Victim names, including those of juveniles, may be released if such information will not embarrass or endanger the person(s) involved; if a victim is deceased and next-of-kin have been notified; and providing that such release complies with the provisions of the Victim Rights Act of 1991. (Ref. OPM 206.040)

Although references to evidence are not generally acceptable, the public may be asked for assistance in locating evidence or information necessary to the investigation.

- C. **Release of information concerning suspects.** Suspect names may be released when identity has been established and where public assistance in apprehending the person is desired; or where there is reason to believe that the suspect presents a substantial risk to an individual or to the public interest.

Descriptions, sketches, or other information intended to identify, or lead to the apprehension of a suspect, may be released.

- D. **Release of information concerning defendants.** Information concerning persons arrested or charged with a crime may be released only if accompanied by the following disclaimer: "These charges are merely an accusation and the defendant is presumed innocent until and unless proven guilty." This disclaimer can be pre-printed on press release forms. The following information can generally be released concerning arrested persons:

1. the defendant's name (adults only, except that the names of juveniles charged with traffic or fish and game offenses will be released [Ref. AS 47.10.010 G]), age, residence city, and occupation;
2. the nature of the charge on which the arrest was made;
3. if an arrest has been made, the fact, time, and place of arrest; and
4. the identity of arresting officers or agencies, and the length of the investigation.

- E. **Release of information concerning juveniles.**

1. Information concerning juvenile defendants is not normally released unless the juvenile is prosecuted as an adult. Juveniles are always prosecuted as adults for violations of traffic statutes and regulations, and for Fish and Game statutes and regulations. If a matter involving a juvenile is referred to the District Court for arraignment (as is the case with DUI, Reckless Driving, DWLR, traffic citations, etc.) then information concerning that offense may be released. Releases concerning juvenile defendants shall comply with paragraph D.
2. There is no prohibition in law to the release of information on juveniles who are the victims of non-criminal incidents such as hunting accidents, search and rescue operations, or accidental injury (including from motor vehicle accidents). The names of juvenile victims may be released if such information will not embarrass or endanger the person(s) involved; if a victim is deceased and next-of-kin have been notified; and providing that such release complies with the provisions of the Victim Rights Act of 1991. [Ref. OPM 206.040]
3. The names of juvenile runaways may be released only after a written waiver is obtained from the parent or guardian allowing the release as an aid in gaining public assistance in locating the juvenile.
4. In situations where questions arise as to the legality or advisability of releasing the names of any juvenile, the information should be withheld and the question referred to the Department of Law through the chain of command.

- F. **Release of information concerning witnesses (including non-victim complainants).** Unless the identity of a witness (including non-victim complainants) is already public knowledge, or must be released to facilitate the recovery of a victim or evidence, the name of witnesses (or non-victim complainants) will not ordinarily be released. Release of the address, business address, or telephone number of a witness to a crime is prohibited by the Victim Rights Act of 1991. Officers will not comment to the media on whether particular witnesses have made statements nor will they reveal the substance of any statements made.

- G. **Information not to be released.** The following types of information should not be released:

1. information that is speculative or will be harmful or prejudicial to any person, investigation, case, or the City;
2. gratuitous characterizations of any involved person as, for example, a "sex maniac", "depraved character", "street person", "druggie", or "gangster";
3. the names of deceased victims whose next of kin have not been notified;

4. the existence or nature of any physical evidence likely to be presented at a future trial except that which has been revealed in a public document, such as a complaint or information; or
5. any information known, or which reasonably should be known, to be inadmissible in future court proceedings.

**H. *Information not released until trial or conviction.*** Information in the listed categories shall not be released prior to trial or conviction. Following a trial or conviction, previously restricted information in categories 1,4,5, and 6 may be included in press releases.

1. information concerning the sentence, or possible sentence;
2. opinions as to the character, credibility, expected testimony, or reputation of a suspect, witness, or other involved person; or the existence, if any, of a prior criminal record;
3. opinions as to the guilt or innocence of a defendant;
4. information concerning examinations, or the results of examinations, which the defendant or suspect may have taken or refused;
5. the existence, contents, or absence of a confession, admission, or statement by an accused person or suspect, or that person's refusal or failure to make such statements; or
6. a defendant's reenactment of a crime or the fact that he may have shown investigators where a weapon, loot, or other evidence was located.

#### **206.030 PRESS ACCESS TO INCIDENT SCENES**

**A. *Press allowed access to incident scenes.*** Members of the press may take photographs or interview persons present at crime, accident, or disaster scenes so long as they do not interfere with rescue or investigative efforts, or enter private places not normally open to the public.

Members of the press shall not be allowed to enter, or remain in, areas where a life safety hazard may exist, until the danger to persons is removed or abated.

**B. *Press access during service of search warrants.*** Officers shall not permit members of the press to enter private premises (such as residential dwellings or private offices) which officers have entered pursuant to a search warrant.

**C. *Press subject to lawful orders.*** The press may not resist, obstruct, or oppose an officer in the lawful execution of a legal duty, but they can photograph or report events occurring on or visible from public property. Officers may require journalists to show their press credentials.

Officers may order the press to remain in public places or outside areas closed for investigation or rescue efforts. Orders issued to members of the press to leave a part of a scene should be clear and should be acknowledged by the member of the press before enforcement action is taken.

If you must deny access to a crime scene during processing or evidence collection, explain to the journalist why such access is being denied; once processing is complete, allow access if otherwise permissible. Journalists apprehended for violating the law will be dealt with in the same manner as any other violator.

**D. *Photographing suspects, defendants, or scenes.*** Members shall not pose, set up, or otherwise influence the media in regard to photographing a suspect, defendant or crime scene. The media cannot be prevented from taking photographs while they are in public places such as streets, parking lots, and public areas of buildings.

**206.040 INFORMATION PROTECTED UNDER THE VICTIM RIGHTS ACT**

The Victim Rights Act of 1991 (AS 12.61.100-150) restricts public (including press) access to certain information contained in our files, press releases, and in court documents. Although the Act does not apply to oral communications, it is the policy of the Department that protected information will not be released in any form.

**A. Protected information that may not be released.**

1. The residence address, business address, or telephone number(s) of any victim or witness to any crime. This applies to crimes only, not to violations or infractions that carry no jail time.
2. The name of the victim of the following crimes:

AS 11.41.300(a)(1)(c)	Kidnapping for purposes of sexual assault
AS 11.41.410	Sexual Assault -- First Degree
AS 11.41.420	Sexual Assault -- Second Degree
AS 11.41.425	Sexual Assault -- Third Degree
AS 11.41.434	Sexual Abuse of a Minor -- First Degree
AS 11.41.436	Sexual Abuse of a Minor -- Second Degree
AS 11.41.438	Sexual Abuse of a Minor -- Third Degree
AS 11.41.440	Sexual Abuse of a Minor -- Fourth Degree
AS 11.41.450	Incest
AS 11.41.455	Unlawful Exploitation of a Minor
AS 11.41.460	Indecent Exposure

3. However, victim names may be released to facilitate the recovery of a missing victim or to conduct necessary investigation of the crime.

**B. Release of records containing protected information.**

1. Police reports or other records may be released to the public only after they have been examined for the presence of protected information and any protected information has been deleted or made unreadable.
2. Press releases may not contain any protected information. Supervisors approving press releases will insure that they do not contain the names of sexual assault victims, and that no victim or witness address information is given.
3. The release of police reports to insurance companies does not constitute a release of protected information and is not restricted under the act.

**C. Required Court Certification.**

1. The Court System requires that officers filing documents (including criminal complaints, misdemeanor citations, and search warrants) sign the following certification:

**CERTIFICATION**

I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is the address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

2. Officers can sign the forms in good faith, and will be in compliance with the Victim Rights Act, if the complaint or other document does not contain:
  - a. the address or telephone number of any victim or witness (other than the defendant), unless the address is necessary to identify the place of the crime; or

- b. in kidnapping or sex cases, the name of the victim, but instead uses initials to identify the person. In general, if the victim is a minor, you must also use initials to identify the minor's parent or guardian.
3. When it is necessary to specify the location of a crime in documents prepared for the Court it is recommended that phrases such as "the residence of [victim's name or initials]" be substituted for the actual address.
4. Officers submitting documents containing protected information are responsible for notifying the court clerk of its inclusion.

#### **206.050 RELEASE OF REPORTS AND RECORDS TO LAW ENFORCEMENT AGENCIES**

Reports and records concerning investigations may be released to any law enforcement agency with an official need for the information. Law enforcement agencies include federal, state, and local police departments, prosecutors, and probation or parole officers.

#### **206.060 RELEASE OF REPORTS OR RECORDS TO NON-LAW ENFORCEMENT REQUESTERS**

- A. *Restrictions applying to parties involved in civil actions involving the City.*** Persons who are parties to civil actions involving the City and Borough of Sitka or its agencies may not receive records directly from the Department, but must make the appropriate request through the court or the City's legal counsel.
- B. *Limitations on release of case reports to non-law enforcement requesters.*** Except in response to a subpoena, a court order, or as authorized in paragraphs C, D, and E of this section, SPD case reports will not be released to non-law enforcement requesters unless authorized by the Chief. Non-law enforcement requesters not qualifying for case reports under these provisions should be instructed to make a written request to the Chief indicating the report desired and their reasons for the request.

The Chief may release reports to non-law enforcement requesters upon determining that they have a legitimate interest in the report; that the identities of juveniles, and information protected under the Victim Rights Act of 1991 (Ref. OPM 206.040) has been excised; and providing that none of the following conditions exist [Ref. AS 40.25.120(6)]:

1. prosecution or appeal are pending;
  2. the case involves a juvenile as either a suspect or;
  3. the records will disclose the identity of a confidential source;
  4. the records will disclose confidential techniques and procedures for law enforcement investigations and prosecutions;
  5. the records will disclose guidelines for law enforcement investigations and prosecutions where disclosure could reasonably be expected to risk circumvention of the law (e.g., "drug profiles");
  6. disclosure could reasonably be expected to endanger the life or physical safety of an individual; or
  7. disclosure would "constitute an unwarranted invasion of the personal privacy of a suspect, defendant, victim, or witness."
- C. *Requests for motor vehicle crash reports.*** Crash reports may be released to those: who were involved in the crash, their heirs or successors; or to those whose property was involved in the crash, or their authorized agent, such as their attorney, insurance adjuster, or insurance company.

Employees may orally confirm to an insurance adjuster, insurance company, or attorney that a motor vehicle crash report exists listing their client as an involved party. The existence or absence of photographs may also be released.

- D. *Witnesses may obtain copies of their own statements.*** Witnesses may receive copies of interview synopsis paragraphs and transcriptions of their own statements.
- E. *Victims may obtain copies of reports.*** Victims of crimes reported in case reports, their heirs or successors, their attorneys, their insurance adjusters, or their insurance companies may receive copies of case reports provided that the names, addresses, and telephone numbers of all persons except the victim and any defendants are blacked out of the report. [Ref. Victim Rights Act of 1991, OPM 206.040]

## CHAPTER 207

### EMERGENCY CARE OF MENTAL HEALTH PATIENTS

Chapter Revised 01/01/2012

#### 207.010 DETENTION AND TRANSPORT OF MENTAL HEALTH PATIENTS

- A. **Authority for detention of mental health patients.** Alaska Statute AS 47.30 governs the handling and care of the mentally disturbed. Most SPD detentions come under AS 47.30.700, ExParte Order of the Court (subject not represented) and AS 47.30.705, Emergency Custody by an Officer.
- B. **Emergency mental health detention.** AS 47.30.705 states, in part, "A peace officer ... who has probable cause to believe that a person is gravely disabled or is suffering from mental illness and is likely to cause serious harm to self or others of such immediate nature that considerations of safety do not allow initiation of involuntary commitment procedures under AS 47.30.700, may cause the person to be taken into custody and delivered to the nearest evaluation facility. ..."

When a patient's condition requires police protection to ensure that no person is harmed, or an emergency detention situation exists, and other appropriate escort personnel are unavailable, SPD may provide escort services.

Transportation of mental health patients being held under emergency detention by SPD is the responsibility of the Department.

- C. **Any peace officer may serve ExParte Orders.** Service of ExParte Orders for taking into custody and transporting mental health patients located within any city limits may be accomplished by local police agencies or the Alaska State Troopers.

Law enforcement agencies taking persons into emergency custody under the provisions of AS 47.30.705 will be referred to the Division of Mental Health who will determine to which facility the patient should be transported, and who will make required travel authorizations, and payment approvals. (Ref: AS 47.30.870)

- D. **Non-emergency orders will be referred to H&SS.** All non-emergency situations will be referred to the Division of Health and Social Services which is responsible for taking into custody and transporting persons disabled from mental illness pursuant to Ex Parte Orders under non-emergency conditions.
- E. **Prisoner transport rules do not apply to mental health patients.** Persons taken into custody for transport to mental health facilities are patients, not prisoners; therefore, good judgment should be used when determining the nature and extent of restraints used. Officers must assure the safety of the patient and assure that the patient does not harm others.

#### 207.020 EMERGENCY DETENTION PROCEDURES

- A. **Mental health facility to be contacted as soon as possible.** When an individual is taken into emergency custody, contact will be made with a mental health facility as soon as possible. The member should contact a mental health professional with admitting privileges and be interviewed (by telephone if necessary) by that professional.
- B. **Statements supporting probable cause required.** If probable cause for emergency custody of a person is based solely on statements of others, the member will obtain written statements from those individuals and copies of those statements will accompany the patient to the hospital.
- C. **Patients can be housed in jail only if mental health facility is unavailable.** Mental Health patients should be held in a mental health facility if available. Only if a mental health facility is unavailable can a mental health patient be held in a jail.
  1. A jail can be used for protective custody when one of the above conditions exists, but the member should upon arrival at the jail, contact a mental health professional and provide proper security until a mental health professional arrives and contacts a Judge.

2. If the member has sufficient probable cause to bring a criminal charge against the patient and does so, the jail can be used without any of the above conditions being met.
3. If a person is taken into custody pursuant to an ExParte court order for a 72-hour evaluation, the above steps are unnecessary. (Ref. AS 47.30.700)

### **207.030 EMERGENCY FACILITIES**

The Department of Health and Social Services (H&SS) is responsible for providing facilities for the temporary detention of the mentally ill.

### **207.040 TRANSPORTATION COSTS**

**A. *Transportation costs paid by Health and Social Service.*** Health and Social Services will pay the necessary costs for:

1. Transportation to a mental health facility for a person(s) involuntarily being committed;
2. Return transportation of the patient and escort(s); and
3. Amounts spent in excess of normal costs incurred.

**B. *Transportation costs not paid by Health and Social Services.*** Health and Social Services will not pay costs when a person is:

1. Taken into custody under AS 11.05 - 81 and charged with a criminal offense; or
2. Being transported under AS 12.45 or AS 47.37.

**CHAPTER 208**  
**DEATH INVESTIGATION PROCEDURES**  
Chapter Revised 01/01/2012

**208.010 APPLICATION**

This Chapter applies to deaths investigated by the Department. AS 12.65.005 states that a person who attends a death or has knowledge of a death must notify a peace officer and the State Medical Examiner when the death appears to have occurred:

1. by unknown or criminal means, during a crime, by suicide, accident, or poisoning;
2. under suspicious or unusual circumstances, or to an apparently healthy person;
3. unattended by a physician or in a medical facility for less than 24 hours after admission;
4. in association with a diagnostic or therapeutic procedure;
5. due to a disease which is a threat to public health;
6. due to a disease, injury, or toxic agent in the course of employment;
7. in a jail, corrections facility, or other place where persons are placed by the state or are in state supervision;
8. in a foster home;
9. in a mental institution or mental treatment facility;
10. while the deceased was in state or government custody; or,
11. a child under 18 years of age, or who is under the legal custody of the Department of Health and Social Services unless the death results from natural disease and was medically expected and the child was under supervised medical care during the 24 hours before death.

**208.020 NOTIFICATION PROCEDURES**

- A. Notification by member discovering unattended death.** Members who discover an unattended death will immediately notify their supervisor who will notify the Chief.
- B. Notice to Medical Examiner required.** The Department will notify the State Medical Examiner of any unattended death, and a request to remove the body(s). No body may be moved until the State Medical Examiner has granted permission to do so. The statewide death reporting line is (888) 332-2373 or (888) DECEASE, or in Anchorage (907)269-5690.
- C. Members shall comply with AS 13.50.016(a).** Law enforcement or medical personnel who respond to the scene of an accident or emergency involving the death of a person shall make a reasonable search for a document of gift or other information identifying the bearer as a donor or as an individual who has refused to make an anatomical gift. If the law enforcement or medical personnel know that the person executed a gift, they shall inform appropriate hospital personnel of the gift. Failure to make a reasonable search required under this subsection is not a basis for civil or criminal liability but may be the basis for appropriate disciplinary sanctions.
- D. Notification list.** The Chief will make timely notices as appropriate to the following:
  1. State Fire Marshal in all cases involving fire fatality.
  2. U.S. Coast Guard when death results from a boating accident on waterways in their jurisdiction.
  3. The National Transportation Safety Board (NTSB) when a death is the result of an aircraft accident or accident involving a public carrier.

4. OSHA when a death is related to employment.
5. The Military Investigative Unit when a death occurs on a Military Base.
6. The appropriate Park Rangers when a death occurs within the boundaries of a National or State Parks.

#### 208.030 NOTIFICATION OF NEXT OF KIN

- A. *Next-of-kin to be notified of death or serious injury.*** A member will notify the next-of-kin, in person if possible, of a death or serious (potentially fatal) injury being investigated by the Department.
1. If the next-of-kin lives outside of Sitka, notification shall be made through the nearest law enforcement agency.
  2. Unless highly unusual circumstances exist, notification shall not be made until positive identification has been made.
  3. If possible, members should enlist the assistance of relatives, neighbors, clergy, police chaplain, or family physicians when making notifications.
  4. Members making notifications shall exhibit tact, diplomacy, and shall be prepared to provide short-term support and assistance to the next-of-kin.
- B. *Family notification when remains are transported for autopsy purposes.*** When remains must be transported for autopsy a copy of the Information For Family Members of a Medical Examiner Case form shall be given to a member of the immediate family of the deceased and the original form retained with the case report.

#### 208.040 MEDICAL EXAMINER'S DUTIES

- A. *Statutes and procedures covering Medical Examiner's duties.*** Statutes AS 12.65.010-110 and AS 22.15.110 outline the duties of the State Medical Examiner.
- B. *Medical Examiner duties.*** The State Medical Examiner is responsible for forensic medical investigation including conducting autopsies and the determination of cause and manner of death throughout the state. The office supervises the staff working at the Medical Examiner Facility and is responsible for that facility.

When an examination is performed by the State Medical Examiner's office, they will routinely take photographs, fingerprints, and toxicology specimens.

- C. *Medical Examiner responsible for the transport of remains for examination.*** The State Medical Examiner is responsible for payment of and paperwork authorizing shipment of the remains. Bills for transportation of the remains should be addressed to:

State of Alaska  
Office of the State Medical Examiner  
4500 South Boniface  
Anchorage, AK 99507

Death report lines:  
1-907-269-5690  
1-888-332-3273

Note: The Medical Examiner's Office will fund only those services that are authorized in advance.

- D. *Magistrate may hold inquest into death.*** If a death was caused by, or is reasonably believed to have resulted from, criminal means or suicide, the Magistrate may hold an inquest into the matter at the request of the State Medical Examiner or the District Attorney [Ref. AS 12.65.020(c) and AS 09.55.062].

### 208.050 OFFICER'S RESPONSIBILITIES FOR DEATH INVESTIGATIONS

- A. ***Officers responsible for quality of death investigation.*** Officers shall use appropriate investigative procedures when conducting death investigations. It is the officer's responsibility to seek assistance from supervisors, state attorneys, or forensic experts if they are uncertain concerning the technical or legal aspects of a death investigation and to cooperate with representatives of the State Medical Examiner's office.
- B. ***Requesting autopsy and transporting remains.*** The extent of post-mortem examination is a determination made by the State Medical Examiner. When a homicide, suspected homicide, death without apparent cause, death with unusual circumstances or death with identification problems exists, communicate these facts and circumstances to the State Medical Examiner so that an appropriate examination may be undertaken.
- C. ***Securing valuables found on body when body is to be transported for further examination.*** Leave property intact on the body for removal at the time of autopsy. The presence of property on the body should be noted in the case report and photographed if possible. Avoid disturbing this evidence whenever possible.
- D. ***Securing property and animals belonging to the deceased.*** A member will not knowingly leave valuable property or animals unattended or unsecured.
  - 1. Responding members should make every attempt to locate a responsible party to take possession and responsibility for property of the deceased.
  - 2. Potential property custodians should be provided the appropriate Alaska Court System forms for signature (see attachments). The facts surrounding the property release will be documented in the case report.
  - 3. If no property custodian can be located, this fact will also be recorded in the case report.
  - 4. Absent a qualified property custodian, the case officer must make sure that he/she has taken appropriate steps to secure the deceased person's property. The officer's efforts must be documented in the case. Members should note if they padlocked doors, locked vehicles, stored property in locked buildings etc.
  - 5. Photographs depicting security measures taken shall accompany the report.
  - 6. Property unsecured in plain view or easily accessible, such as cash, guns, jewelry, prescription medications, etc. will be seized for safekeeping, if no custodian has been identified.

### 208.060 TRANSPORT OF BODIES FOR AUTOPSY

- A. ***Protective gear to be worn when handling remains.*** Protective gear will be worn when handling remains to prevent contact with blood or other body fluids and cross-contamination of evidence. See OPM Chapter 205 for additional information.
- B. ***Package remains to preserve any evidence present.*** Remains should be handled and packaged carefully to preserve any evidence adhering to the body or clothing. The following suggestions should be adapted as dictated by the particular circumstances of each case:
  - 1. Move the victim as little as possible and place on a new or very clean, white bed sheet in the same position as found.
  - 2. Staple the sheet together to trap trace evidence.
  - 3. Depending on the type of investigation, securely package the deceased's hands in paper bags or like material.
  - 4. The body and bed sheet should be placed into a clean plastic body bag liner and then into a body bag.
- C. ***Transporting remains on commercial aircraft.*** If remains are to be transported on a commercial aircraft, they should be enclosed in a sealed metal container, which is available through the State Medical Examiner's office.

- D. *Remains should be treated as evidence.*** In order to preserve the evidentiary value of remains the outermost shipping container or bag shall be sealed with evidence tape or secured by some other means.

## 208.070 AUTOPSIES

- A. *Law enforcement officer to attend autopsies in certain cases.*** When an autopsy is ordered in the following situations, a law enforcement officer will attend: For autopsies conducted by the State Medical Examiner in Anchorage this will normally be an Alaska State Trooper from the Criminal Investigation Bureau. Investigating officers from SPD should make efforts to brief the attending officer on the case and any unusual circumstances. An LEO will normally attend autopsy:
1. for homicide, suspected homicide, or suicide victims;
  2. when a death is unclear or has unusual circumstances;
  3. if a driver may be charged with a criminal offense;
  4. when the body is unidentifiable;
  5. multiple bodies are commingled; or
  6. if the Chief feels that autopsy attendance is necessary or desirable.
- B. *Forms required for autopsy.*** If a body is sent for autopsy, an Autopsy Attendance Request Form (12-248) will be completed, placed in an envelope, and secured to the outermost shipping container or bag. A copy of the form should be retained with the case file, and faxed to the State Medical Examiner's office at (907) 269-5069 and to Alaska State Troopers CIB at (907) 338-7243.
- C. *Notification required if AST CIB to attend autopsy.*** When an autopsy has been requested which will require Alaska State Troopers Criminal Investigation Bureau (CIB) attendance, the Chief or his designee will immediately notify the on-call CIB investigator and shall provide information on the manner and circumstances of death and any special investigative requests.
- D. *Responsibility to secure money or valuables found on body.*** With the approval of the State Medical Examiner, the LEO at any autopsy may inventory and take into possession any money or valuable property found on the body or the accompanying clothing.
1. Property with the body shall be noted in the member's report along with the disposition of that property. If possible, photographs should be taken to document the location and condition of any property found.
  2. Items that are seized as evidence will be identified with an evidence tag showing the chain of custody, and noted on an evidence form (12-210) attached to the case report. Items contaminated with bodily fluids must be labeled with a biohazard label and packaged appropriately.
  3. Unless taken by the member as evidence, clothing of the deceased will be held at the Medical Examiner Facility for three working days after completion of the examination. At the end of that time clothing will be destroyed as a biohazard unless specifically requested by next of kin. When the next of kin requests the clothing, they will be required to sign a release for the clothing documenting the presence of a biohazard.
- E. *Photographs and fingerprints should be obtained.*** Color photographs of the deceased will be obtained by the LEO attending an autopsy. Where appropriate these may be supplemented with video or black and white photographs.

Fingerprint impressions will be obtained by the LEO or technician attending the autopsy. It is the responsibility of the individual obtaining the prints to forward a set to AAFIS.

Post-mortem fingerprint impression cards will be sealed in a plastic or manila envelope identified with a biohazard label before being forwarding to AAFIS, transferred to any other agency, or submitted to any evidence facility.

**F. *LEO to collect forensic evidence at autopsy.*** When requested or determined to be advantageous to an investigation, the LEO attending an autopsy will collect, preserve, and package according to current State Crime Laboratory guidelines:

1. Samples of clothing, hair, and fingernail scrapings;
2. Mucous and tissue swabs or samples;
3. Foreign hairs, fibers, and materials on or within the body.

The LEO shall coordinate with the SME's Office where the listed items will be retained on a case by case basis.

**G. *Special techniques used as needed.*** LEOs will use still photography, video, x-rays, and other forensic techniques to document wounds or illustrate the cause of death.

**H. *Attending LEO should coordinate evidence collection with pathologist.*** Members should coordinate the collection of evidence and the use of equipment with the attending pathologist so as not to interfere with the medical determination of death.

**I. *Attending LEO to use protective equipment.*** Protective gear, including gloves, gowns, booties, goggles, and masks, will be worn when attending autopsies to prevent contact with blood or other body fluids. See OPM Chapter 205 for additional information on universal precautions and special procedures applicable to autopsies.

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**CHAPTER 209**  
**DEATH PROTOCOL/COMMISSIONED MEMBER**

Chapter Revised 01/01/2012

**209.010 GENERAL POLICY**

- A. *Department commitment to assist the family.*** The Department, recognizing that the death of an employee is a very difficult time for the family, will do everything that it can to assist the family.
- B. *Chief to appoint a coordinator.*** The Chief shall designate a coordinator to represent the family and the Department in assuring that all assistance that may be required by the family is met.
- C. *Duties of the coordinator.*** The duties of the coordinator are to assist the family in dealing with the Department, the City, the State, and the Federal Government in processing benefit claims and with funeral and burial arrangements. The coordinator must be sensitive to the wishes of the family and not force anything on to them and yet be prepared to assist them in making difficult decisions. The coordinator should not make decisions or suggest options that are beyond his ability to carry out. He should be prepared to get the family together with the appropriate advisor, pastor, lawyer, accountant, etc. The coordinator's job is to assist the family and ensure that things go as smoothly as possible.
- D. *This information is only a guide.*** This information is only a guide, and should be tailored to meet each specific situation.

**209.020 DEATH NOTIFICATIONS**

All necessary efforts will be made to make immediate notification to the next-of-kin. After the Department determines who should be notified, all resources will be used to make immediate notification to the next-of-kin and other family members. Having family members or clergy present during the notification of the next-of-kin is normally helpful, but may not be possible due to the reports generated by the press. In either event, the member making notification should be prepared to contact family or clergy immediately after the notification to have their assistance. The member making notification will not leave the next-of-kin alone. He will provide the family all the assistance that he can until a coordinator is appointed. Any family members whom the next-of-kin wishes to have the Department notify will be contacted.

**209.030 NECESSARY DOCUMENTS/RECORD RETENTION**

- A. *The coordinator should maintain records.*** The coordinator should maintain records of benefit applications, documents, condolences, and other information that may later assist the family.
- B. *Certain documents will be required.*** Assistance should be provided to the family to secure required documents within two days after death, including birth certificate, marriage license(s), divorce decree(s), will, and military discharge (DD/214). These forms are necessary for the obtaining of benefits.

**209.040 REQUIRED PROCEDURES**

- A. *The mortuary may require prepayment.*** The mortuary may require prepayment of burial costs before mortuary personnel will sign the death certificate. The mortuary can assist with such sensitive factors as choosing a coffin, and type and location of service.
- B. *File the death certificate and the will with the Coroner's Office.*** Once the mortuary has signed the death certificate, take the death certificate and the will, if any, to the Coroner's Office to be filed. It is recommended that a minimum of 15 certified copies of the death certificate be obtained so that they can be provided to agencies as required.

**209.050 BENEFITS**

- A. **City of Sitka.** The City Human Resources office should be contacted to ascertain what paperwork is necessary for the family to receive all benefits they are entitled to receive from the City and to assist in its timely completion .
1. The city Human Resources Office will provide an overview of city benefit entitlements such as deferred compensation, retirement benefits, city insurance, etc., and the specific specialists to contact for each. If the family is uncertain how to proceed in this area, they should have a financial advisor present or be referred to their financial advisors for processing of benefits.
  2. Benefits will be determined by cause of death; therefore, a certified copy of the death certificate is required to process death benefits.
  3. On-duty death requires that worker's compensation forms, Report of Occupational Injury or Illness forms, and an Accident Investigation Report be completed.
  4. A payroll report for the deceased member must be completed. The payoff for payroll and terminal leave account will be processed by the city as soon as possible.

- B. **Federal Government.** The Federal government pays a duty award to the family of officers who lose their life in the line of duty under the Federal Public Safety Officers Benefits Act of 1976.

Contact the Public Safety Officers' Benefits Program for current applications. Usually they will require a copy of the death certificate, police report, marriage license, birth certificates of children, and any autopsy/toxicology report.

- C. **Veteran's Administration.** If the deceased member was in the armed forces, the Veterans Administration should be contacted and queried about what benefits the member is entitled to receive. Having a copy of the member's DD/214 when you call will aid greatly in this query. Human Resources may have a file copy of this document. At the time of this printing the State VA pays for supplemental burial expenses and burial flag for burials in the State of Alaska. The mortuary files any required paperwork, but will need a copy of the deceased's DD/214. The State VA will not cover burial outside of Alaska. The Federal VA requires a letter stating what happened before they will send the forms to be completed and returned. Only then can arrangements for burial in a national cemetery, burial flag, etc., be made.
- D. **Social Security.** These benefits can be applied for locally by taking a copy of the death certificate, marriage license, DD/214, and divorce decree to the Social Security Office. In cases of dependent children by a former marriage, the custodial spouse is responsible for insuring payment of social security benefits.

- E. **Other organizations.** The coordinator should assist the family in searching for other sources of benefits, some examples of possibilities are:
1. Private insurance.
  2. Alaska Police Officers Association, if the deceased was a member.
  3. Fraternal organizations: Elks, Lions, Moose, etc.
  4. Police Corps (educational benefits and support services)
  5. University of Alaska (no cost tuition and supplies for life for all dependents, including spouse)

**209.060 C.O.P.S. -- CONCERNS OF POLICE SURVIVORS**

Assistance and support for family members and relatives of officers killed in the line-of-duty is available from Concerns of Police Survivors (C.O.P.S.). This is a national organization with an Alaska representative who can be contacted through the APD chaplain's office.

### 209.070 FUNERAL SERVICE

- A. ***Coordinator may assist with planning the service.*** At the request of family members, the Coordinator may aid the family in planning the services.
- B. ***Additional planners may be need.*** Additional non-department planners may need to be included due to religious beliefs, fraternal organization procedures, etc.
- C. ***A meeting of all planners should be held prior to the service.*** A meeting of all planners should be held prior to the service to discuss the following:
  - 1. notification of out-of-town personnel and agencies, past chiefs, retired personnel and other dignitaries;
  - 2. determine and announce funeral uniform (see OPM 106.230) and assure that white gloves and black armbands are available in sufficient quantity
  - 3. where the service will be held and if the location is of adequate size and has VIP seating, etc.;
  - 4. if there is to be a procession of patrol cars, where they will stage, what route it will take, where they will park when they arrive;
  - 5. names of pallbearers, where they will be posted, and their duties during the service;
  - 6. formation of law enforcement personnel, location, and their movements during the service; and
  - 7. grave site service, honor guard, weapons salute, musician, folding and presentation of the flag (if appropriate).
- D. ***A rehearsal by those actively participating in the service is suggested.*** Having seen the location of the service, knowing which isle to walk down, where to stand, when to perform a certain task will make the service proceed much more smoothly. A rehearsal might also point out flaws in the planning that might cause distress during the service.
- E. ***Videotaping of the service by the Department.*** With the approval of the family the Department may videotape the service. If the services are taped a copy will be offered to the family.

### 209.080 RECOVERY OF DEPARTMENT EQUIPMENT ISSUED TO DECEASED MEMBER

- A. ***All property to be secured.*** The coordinator will assign someone to secure and return to the coordinator, all department equipment and personal property of the deceased from the department offices and within any assigned vehicle. The coordinator will separate the department property from the personal property. The coordinator will inspect all of the deceased's personal property and make arrangement for its return to the family as appropriate.
- B. ***All property at the residence to be secured.*** All other issue equipment kept by the member at his residence will be secured by the coordinator, at an appropriate time, and will be checked with the property inventory form on file with supply.
- C. ***A uniform may be used for the burial.*** Consistent with the family's wishes, uniform items may be used in conjunction with the burial.

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**CHAPTER 210**  
**ALASKA HOMICIDE REGISTRY / VICAP**  
Chapter Revised 01/01/2012

**210.010 INTRODUCTION**

- A. *Alaska Homicide Registry.*** Alaska Statute 44.41.050 (enacted in August 1993) requires that the Department of Public Safety create a homicide registry. All law enforcement agencies are required to report each homicide or suspected homicide to the Department of Public Safety within 25 days.
- B. *VICAP program introduction.*** The Alaska State Troopers have signed a Memorandum of Understanding with the FBI National Center for the Analysis of Violent Crime (NCAVC) for the purpose of participating in the Violent Criminal Apprehension Program (VICAP). The goal of this program is to coordinate the collection, analysis, and dissemination of violent crime information for the purpose of identifying patterns/similarities among violent crimes that have been reported.

**210.020 SUBMISSION OF INFORMATION**

- A. *Submission of data to Alaska State Troopers required.*** Investigating officers are responsible for submission of a FBI Violent Criminal Apprehension Program (VICAP) report form conforming to Alaska statutory reporting requirements to the Alaska State Troopers Criminal Investigation Bureau within 25 days of a homicide or suspected homicide's discovery whether or not an offender has been arrested or identified. The following types of cases shall be submitted:
  - 1. all solved, unsolved or suspected homicides (submissions for vehicular homicides are optional);
  - 2. unidentified dead bodies, where the manner of death is known or suspected to be homicide; and
  - 3. kidnapped or missing persons with evidence of foul play.
- B. *Action by AST upon receipt of report.*** All cases submitted will be entered into the VICAP database and, if applicable, transmitted to the FBI in Quantico, VA.

**210.030 INQUIRY**

- A. *SPD officers may make inquiries.*** SPD officers may make inquiries or request blank FBI VICAP forms from the Alaska State Troopers, Criminal Investigation Bureau at (907) 269-5058.
- B. *Action upon "hit" on inquiry.*** If a "hit" is developed as a result of an inquiry the requesting officer will be referred to the submitting agency for follow-up. CIB will not release submitted case facts or specifics to requesting officers or agencies without express consent of the submitting agency.

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**CHAPTER 211**  
**WEAPONS STANDARDS & TYPES**  
 Chapter Revised 01/01/2012

**211.010 FIREARMS PROFICIENCY**

- A. *Members must be trained with authorized weapons.*** No member is authorized to carry a weapon system for which they have not been properly trained. The instruction must be provided by authorized instructors and approved by the SPD.
  - 1. All members must have completed a Handgun Transition Course
  - 2. All members must have completed a Tactical Shotgun Course, however, members hired prior to 1997 may not have received this training, but are encouraged to attend such training when available. During qualifications, the rangemaster will use the material from the Tactical Shotgun training program, while providing instruction to those who have not attended approved classes.
  - 3. All members will have completed a Patrol Rifle course prior to being authorized to carry any patrol rifle in the course of their duties.
- B. *Qualification required.*** All officers must remain proficient and qualify with the Department-issued handgun, and with each weapon they are authorized to carry, as specified below:

QUALIFICATION	HOW OFTEN	PASSING SCORE (Minimum)
SPD Handgun	3 times a calendar year	Score: 192 points
Five-Shot Handgun	3 times per calendar year	Score: 180 points
Shotgun Buckshot and Select Slug	2 times per calendar year	Score: 81
Shotgun Slug	2 times per calendar year	Score: 38
Patrol Rifle	2 times per calendar year	Score: 200
Tactical Counter-Sniper Rifle	2 times per calendar year	Score: Pass/Fail
Tactical Less-Lethal Munitions	1 time per calendar year	Score: 6 hits (100%)

- C. *Supervised qualifications.*** Officers must qualify under supervision with each weapon at least once each year. Other required qualifications may be unsupervised. During supervised qualifications the rangemaster may deny qualification, irrespective of score achieved, to any officer who fails to abide by safety regulations or who in the rangemaster’s judgment cannot demonstrate adequate gun handling skills. **Malfunction clearance drills will be performed during all supervised qualifications.**

During supervised qualifications each officer will be required to demonstrate correctly all malfunction drills. No time standards apply to the performance of these clearance drills.

- D. *Failure to qualify during supervised qualifications.***
  - 1. During supervised qualifications, members will be allowed no more than two attempts in one day to successfully complete a qualification for each weapon system. The rangemaster has full discretion in determining how much time must pass between each attempt to qualify on any given day.

2. Failure to qualify within two attempts with a personal weapon, whether carried on duty or off duty, will result in the member no longer being authorized to carry that weapon. The scores related to the failures to qualify will be recorded in the SPD Training Record System. Any previously received authorization for the carrying of the weapon will be considered revoked.
3. Failure to successfully qualify with any issued weapon will result in the following course of action:
  - a. First failure to qualify.
    - 1) Following the first failure with a Department issued weapon; the member's unsatisfactory scores will be recorded for retention by SPD records. The rangemaster will notify the Operations Lieutenant in writing (either memo or E-mail) of the member's failure. The rangemaster will also outline a training course of action for the member.
    - 2) The member will be required to qualify during a supervised qualification within thirty days, excluding periods of annual leave, sickness, court testimony, or other extensions granted by the Operations Lieutenant.
    - 3) Remedial training will be made available to the member through coordination with the Operations Lieutenant and the rangemaster. The member will be provided with instruction by the rangemaster or other designated person as to what methods and techniques to practice to improve the member's performance. It will be the member's responsibility to coordinate with the rangemaster to schedule additional attempts to qualify.
    - 4) Failure to qualify within the thirty-day period can be used as grounds for withholding merit increases or other administrative action.
  - b. Second failure to qualify.
    - 1) Following the second failure to qualify with a Department issued weapon; the member's unsatisfactory scores will be recorded for retention in the SPD records system. The rangemaster will notify the Operations Lieutenant in writing (either memo or E-mail) of the member's second failure.
    - 2) The Operations Lieutenant, or a designee, will issue a Letter of Instruction to the member outlining the failure to qualify and providing guidance as to a course of action to achieve a successful qualifying score.
    - 3) The member will be required to achieve a qualifying score within 30 days of the second failure. No extensions of time will be provided minus extraordinary circumstances. All reasonable attempts will be made to provide one-on-one training with a firearm instructor. It will be the member's responsibility to coordinate with the rangemaster to schedule additional attempts to qualifications.
  - c. Third failure to qualify.
    - 1) Following the third attempt to qualify with a Department issued weapon; the member will no longer be authorized to carry that weapon in the line of duty. The Firearm Instructor will notify the Operations Lieutenant, who will notify the Chief, immediately, in person or via phone, of the failure. The notification will be followed up later in writing (either memo or E-mail) explaining the rangemaster's observations regarding the member's failure to qualify.
    - 2) The scores related to the failure to qualify will be recorded for retention in the SPD records system.
  - d. Failure of a member to qualify can be used as grounds for administrative action, including dismissal.
- E. **Scheduling of qualifications.** Courses of fire that are scheduled for two or three times yearly require qualification at two or three different times of the year, respectively.
- F. **Qualification while on-duty.** On-duty officers may be called upon at any time to qualify in any prescribed course of fire with any firearm they are authorized to carry or any standard firearm used by the Department.

**G. Failure to report for or perform required qualifications.** A member who, having been properly notified and having no duty conflict or excused absence, fails to report for a supervised qualification or fails to perform an unsupervised qualification may be subject to discipline up to and including dismissal. The following steps are guidelines only, and should be adjusted to the particulars of the situation and the disciplinary history of the member involved.

1. When a member of the Department fails to report for scheduled supervised qualifications, such an action will be reported to the Operations Lieutenant.

If it is determined that the member was not properly notified or had duty related conflicts or an excused absence (annual leave, sick leave, etc.), the Operations Lieutenant will coordinate with the rangemaster to arrange a "makeup" session.

If it is determined that the member was properly notified and did not experience a duty related conflict or excused absence, the Operations Lieutenant will provide a Letter of Instruction to the member outlining what actions the member must follow to achieve compliance with the Department's directives related to firearm qualifications. The member will be directed to arrange a "makeup" session with the rangemaster to be conducted at a time that is convenient to the Instructor.

2. If a member fails to report for a second or more scheduled supervised qualification, and was not experiencing any duty-related conflicts or excused absence, the Operations Lieutenant will initiate appropriate disciplinary action.

**H. Qualification recorded in Training Records System.** Firearms qualification scores of all officers will be retained by the SPD records section.

### 211.020 POLICY ON EAR AND EYE PROTECTION

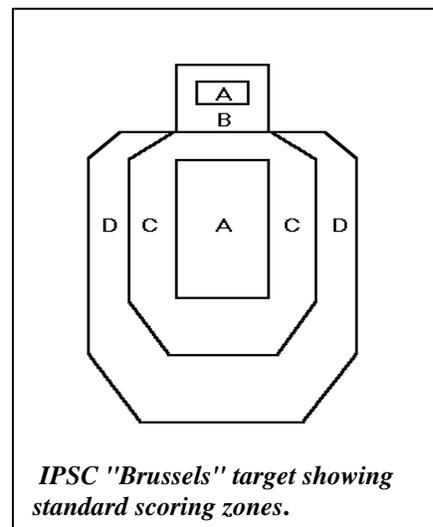
Officers are required to wear hearing and eye protection when weapons are being fired during range practice, qualifications, or competitions. It is recommended that ear plugs are used in conjunction with outer hearing protection for the highest level of protection.

### 211.030 GUIDELINES FOR FIREARMS QUALIFICATION

**A. Standards strictly enforced.** In order to assure the credibility of the firearms program of the Department, the standards of the program will be strictly maintained and all guidelines strictly enforced.

**B. Qualifications evaluate all aspects of firearm proficiency.** In addition to achieving at least the minimum score, for a successful qualification, each shooter must demonstrate:

1. overall safe handling of the weapon.
2. overall compliance with the Department's firearms training materials applicable to the particular weapon including at least:
  - a. tactical loading (combat loading)
  - b. speed loading (ejection port reloads)
  - c. administrative loading and unloading
  - d. press checks / chamber checks
  - e. decocking / safety manipulation
  - f. slide / bolt manipulation.
3. correct and timely performance of all malfunction clearance drills performed as set out in Department training materials as directed by a Firearms Instructor.



- C. **Qualification requires compliance with SPD standards.** Qualification with a particular firearm requires compliance with all applicable Department standards and practices. Members unable or unwilling to comply with Department standards and practices during qualification will not be deemed qualified with that particular weapon until compliance is demonstrated.
- D. **Hit cutting lines scored as higher of values.** When scoring hits on targets, those hits cutting the line between areas on a target will be scored as the higher value.

#### 211.040 SPD HANDGUN QUALIFICATION

##### A. **Requisites.**

1. Target -- IPSC "Brussels"
2. Ammunition -- Forty-eight (48) rounds issue duty ammunition or authorized full power ammunition for personal weapons.
3. Weapon and leather gear – Officers in non-uniform assignments must qualify with the issue uniform leather gear at least once each year during a supervised qualification. Non-uniformed officer must have acceptable holster and ammunition carrier.

##### B. **Instruction to shooters.**

1. All stages, except those starting from the guard position, will start standing with the weapon holstered and snapped, hands clear of the weapon.
2. Double action semi-auto pistols and revolvers will not be hand cocked at any stage.
3. Clothing, holster, and reloading gear will be worn in the same fashion as when the weapon is typically carried.
4. Five points will be deducted for each shot fired late.
5. The shooter will clear any malfunction in a semi-auto pistol and complete the stage of fire. If the malfunction is cleared properly and in a timely manner, the time will not count against the shooter. (Revolvers must complete the course without malfunction). There will be no "alibis".
6. Shooters will be evaluated to determine compliance with the Department's weapons training material. Those not complying will not be considered qualified and will be entered into remedial training.
7. Shooters will be allowed no more than two attempts per day to successfully qualify.

##### C. **Course of fire.**

Stage 1 -- 2 yards -- 3 rounds -- 3 seconds – PERFORM TWICE

From the guard, fire two rounds center mass followed by one round to head.

Stage 2 -- 7 yards – 3 rounds -- 5 seconds – PERFORM TWICE

From the holster, fire two rounds center mass followed by one round to head.

**Score and tape target.** Head shots outside "A" zone count only one point for stages 1 and 2.

Stage 3 -- 25 yards -- 6 rounds (total) -- 20 seconds

From the holster, fire six rounds center mass. Shooter's choice of position.

Stage 4 -- 10 yards -- 12 rounds -- 35 seconds

From the holster, fire six rounds with weapon hand unsupported; reload; fire six rounds with support hand unsupported.

Stage 5 -- 7 yards -- 2 rounds -- 3 seconds – PERFORM THREE TIMES

From the holster, fire two rounds center mass.

Stage 6 -- 2 yards -- 2 rounds -- 2.5 seconds – PERFORM THREE TIMES

From the holster, fire two rounds center mass.

Stage 7 -- 2 yards -- 2 rounds -- 1.5 seconds – PERFORM THREE TIMES

From the guard, fire two rounds center mass.

**D. Scoring.** Maximum 240 – Minimum 192

Point Values:

A Zone	5*
B/C Zones	4
D	1

\* Shots intended for the A zone in the body that strike the A zone in the head will be scored as 4 points.

**E. Malfunction clearance drills must be performed.**

Member will be tested for proficiency on malfunction clearance drills. The clearances must be performed three (3) consecutive times, within time and properly executed. Time limits for the malfunction types are:

Type 1 – 3 seconds

Type 2 – 3 seconds

Type 3 – 7 seconds

## 211.050 FIVE-SHOT HANDGUN QUALIFICATION

**A. Requisites.**

1. Target -- IPSC "Brussels"
2. Ammunition -- Forty-five (45) rounds issue duty ammunition or authorized full power ammunition for personal weapons.
3. Officer must have acceptable holster and ammunition carrier.

**B. Instruction to shooters.**

The instructions for the SPD Handgun Qualification course also apply to this course. [Ref. 211.040 B]

**C. Course of fire.**

Stage 1 -- 2 yards -- 3 rounds -- 3 seconds – PERFORM TWICE

From the guard, fire two rounds center mass followed by one round to head, reload.

Stage 2 -- 7 yards – 3 rounds -- 5 seconds – PERFORM TWICE

From the holster, fire two rounds center mass followed by one round to head, reload.

**Score and tape target.** Head shots outside "A" zone count only one point for stages 1 and 2.

Stage 3 -- 25 yards -- 5 rounds (total) -- 16 seconds

From the holster, fire six rounds center mass. Shooter's choice of position.

Stage 4 -- 10 yards -- 10 rounds -- 30 seconds

From the holster, fire five rounds with weapon hand unsupported; reload; fire five rounds with support hand unsupported.

Stage 5 -- 7 yards -- 2 rounds -- 3 seconds – PERFORM THREE TIMES

From the holster, fire two rounds center mass, reload as needed.

Stage 6 -- 2 yards -- 2 rounds -- 2.5 seconds – PERFORM THREE TIMES

From the holster, fire two rounds center mass, reload as needed.

Stage 7 -- 2 yards -- 2 rounds -- 1.5 seconds – PERFORM THREE TIMES

From the guard, fire two rounds center mass, reload as needed.

**D. Scoring.** Maximum 225 – Minimum 180

Point Values:

A Zone	5
B/C Zones	4
D	1

**211.060 SHOTGUN QUALIFICATION – BUCKSHOT/SELECT SLUG**

**A. Requisites.**

1. Target – IPSC “Brussels”
2. 10 rounds of 12 gauge 9-pellet Tactical Buckshot (others 9 pellet loads are acceptable if Tactical Buckshot is not available).
3. Two rounds of Slugs.

**B. Instruction to shooters.**

1. Shooters will set up the shotgun in CRUISER CARRY (Condition 2) with buckshot when instructed to do so.
2. Shooters will go from CRUISER CARRY (Condition 2) to ACTION CARRY (Condition 1) upon the command to “MAKE READY”.
3. All stages of fire are started from the guard, ACTION CARRY (Condition 1), safety on.
4. Shooters will combat load and keep the shotgun in ACTION CARRY (Condition 1) throughout the duration of the buckshot course.
5. Shooters will be evaluated to determine compliance with the Department’s weapons training material. Those not complying will not be considered qualified and will be entered into remedial training.

**C. Course of fire – Buckshot/Select Slug**

Stage 1 -- 10 yards – 2 buckshot, 1 slug -- 11 seconds – PERFORM TWICE

On command, fire two rounds buckshot center mass followed by one select slug to head.

Stage 2 -- 15 yards – 4 buckshot -- 8 seconds

On command, fire two buckshot center mass while standing followed by two buckshot center mass while kneeling.

Stage 3 -- 20 yards -- 2 buckshot -- 6 seconds

On command, fire one buckshot center mass while standing followed by one buckshot center mass while kneeling.

**D. Scoring.** Maximum 210 – Minimum 81

Buckshot:	1 point for A or C zone 0 point for B or D zone
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Slugs:	9 points for A zone head shot 6 points for B zone head shot 0 points for body A, C, D zone
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Overtime:	Minus 9 Points (Regardless if buckshot or slug)
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## 211.070 SHOTGUN QUALIFICATION -- SLUGS

### A. *Requisites.*

1. Target – IPSC “Brussels”
2. 10 rounds of 12 gauge slugs

### B. *Instruction to shooters.*

1. Shooters will set up the shotgun in CRUISER CARRY (Condition 2) with slugs when instructed to do so.
2. Shooter will go from CRUISER CARRY (Condition 2) to ACTION CARRY (Condition 1) upon the command to “MAKE READY”.
3. All stages of fire are started from the guard, ACTION CARRY (Condition 1), SAFETY ON.
4. Shooter will combat load and keep shotgun in ACTION CARRY (Condition 1) for the duration of the course.
5. Shooters will be evaluated to determine compliance with the Department’s weapons training material. Those not complying will not be considered qualified and will be entered into remedial training.

### C. *Course of fire – Slugs*

Stage 1 -- 25 yards -- 1 slug -- 3 seconds – PERFORM TWICE

On command fire one slug center mass from standing.

Stage 2 -- 35 yards – 2 slugs -- 10 seconds – PERFORM TWICE

On command, fire 2 slugs center mass. Start from guard to any position.

Stage 3 -- 50 yards -- 2 slugs -- 12 seconds PERFORM TWICE

On command, fire 2 slugs center mass. Start from guard to any position.

### D. *Scoring.* Maximum 50 – Minimum 38

A zone	5 points
B zone	4 points
C zone	4 points
D zone	3 points

Overtime: Minus 5 points

## 211.080 PATROL RIFLE QUALIFICATION

### A. *Requisites.*

1. Target – IPSC “Brussels”
2. 50 rounds of authorized ammunition
3. Department issued or authorized personal patrol rifle that is suitable for the intended use. It must be equipped in a manner that allows it to be used in accordance with Department training.

### B. *Instruction to shooters.*

1. Shooters will go from CRUISER CARRY (Condition 2) to ACTION CARRY (Condition 1) upon the command to “MAKE READY”.

2. With one exception, all stages of fire will start from the guard, ACTION CARRY (Condition 1), safety on.
3. Shooters will combat load and keep the weapon in ACTION CARRY (Condition 1) throughout the duration of the course.
4. Shooters will be evaluated to determine compliance with the Department's weapons training material. Those not complying will not be considered qualified and will be entered into remedial training.

**C. Course of fire.**

Stage 1 -- 100 yards -- 2 rounds -- 8 seconds – PERFORM THREE TIMES

From the guard, drop to prone and fire 2 rounds center mass.

Stage 2 -- 50 yards – 2 rounds -- 6 seconds – PERFORM THREE TIMES

From the guard, drop to prone and fire 2 rounds center mass.

Stage 3 -- 25 yards -- 4 rounds -- 18 seconds – PERFORM TWICE

From the guard, while standing, fire 2 rounds center mass. Drop to kneeling, speed reload and fire 2 rounds center mass.

Stage 4 -- 15 yards -- 2 rounds -- 5 seconds – PERFORM THREE TIMES

From a slung position (African or team), and on command, point in and fire 2 rounds center mass.

Stage 5 -- 15 yards -- 2 rounds – 3.5 seconds – PERFORM THREE TIMES

From the guard, drop to kneeling and fire 2 rounds center mass

Stage 6 -- 7 yards -- 2 rounds -- 2 seconds – PERFORM THREE TIMES

From the guard, while standing, fire two rounds center mass.

Stage 7 -- 5 yards -- 3 rounds -- 3.5 seconds – PERFORM TWICE

From the guard, while standing, fire 2 rounds center mass, one round to the head.

Stage 8 -- 3 yards -- 2 rounds -- 1.5 seconds – PERFORM THREE TIMES

From the guard, while standing, fire 2 rounds center mass.

**D. Scoring.** Maximum 250 – Minimum 200

Body:

A Zone	5
B/C Zones	4
D	1

Head:

A zone	5 points (Stage 7 only)
B zone	1 point (Stage 7 only)

Overtime: Minus 5 points

Excessive hits: Minus 5 points for each hit.

**211.090(a) BOLT-ACTION RIFLE QUALIFICATION**

**A. Requisites.**

1. Target – IPSC “Brussels”
2. 20 rounds of authorized ammunition.

**B. Instruction to shooters.**

1. Shooters will go from CRUISER CARRY (Condition 2) to ACTION CARRY (Condition 1) upon the command to "MAKE READY".
2. All stages of fire will start from the guard, ACTION CARRY (Condition 1), SAFETY ON.
3. Shooters will load the weapon as needed and keep the weapon in ACTION CARRY (Condition 1) throughout the duration of the course.
4. Shooters will be evaluated to determine overall compliance with the Department's weapons training material. Those not complying will not be considered qualified.

**C. Course of fire.**

Stage 1 – 100 yards – 5 rounds -- 45 seconds

From the guard, assume a prone position and fire five rounds center mass.

Stage 2 -- 50 yards – 5 rounds -- 30 seconds

From the guard, assume a kneeling position and fire five rounds center mass.

Stage 3 -- 15 yards -- 1 round – 2.5 seconds – PERFORM FIVE TIMES

From the guard, fire one round center mass.

Stage 4 -- 7 yards -- 1 round – 2.5 seconds – PERFORM FIVE TIMES

From the guard, fire one round to the head "A" zone

**D. Scoring.** Maximum 100 – Minimum 75

Point Values:

A Zone	5 points
B/C Zone	4 points
B Zone	1 points (Stage 4, head shots)
D Zone	3 points

Overtime: Minus 5 points for each overtime.

**211.090(b) MAGNUM RIFLE QUALIFICATION**

**A. Requisites.**

1. Target – IPSC "Brussels"
2. 10 rounds of authorized ammunition.

**B. Instruction to shooters.**

1. Shooters will go from CRUISER CARRY (Condition 2) to ACTION CARRY (Condition 1) upon the command to "MAKE READY".
2. All stages of fire will start from the guard, ACTION CARRY (Condition 1), SAFETY ON.
3. Shooters will load the weapon as needed and keep the weapon in ACTION CARRY (Condition 1) throughout the duration of the course.
4. Shooters will be evaluated to determine overall compliance with the Department's weapons training material. Those not complying will not be considered qualified.

5. Shooters will be allowed no more than two attempts per day to successfully qualify.

**C. Course of fire.**

Stage 1 – 100 yards – 3 rounds -- 25 seconds

From the guard, assume a prone position and fire three rounds center mass.

Stage 2 -- 50 yards – 3 rounds -- 20 seconds

From the guard, assume a kneeling position and fire three rounds center mass.

Stage 3 -- 15 yards -- 2 round – 10 seconds

From the guard, fire one round standing followed by one round kneeling center mass.

Stage 4 -- 7 yards -- 1 round – 2.5 seconds – PERFORM TWO TIMES

From the guard, fire one round to the head “A” zone

**D. Scoring.** Maximum 50 – Minimum 35

Point Values:

A Zone	5 points
B/C Zone	4 points
B Zone	1 points (Stage 4, head shots)
D Zone	1 points

Overtime: Minus 5 points for each overtime.

## 211.100 COUNTER-SNIPER QUALIFICATION

**A. Requisites.**

1. Target -- IPSC Brussels target with affixed aim points (two 1” diameter circles, and one 3” diameter circle). The head area will also be modified by extending the outer edges of the head A zone downward one inch, then drawing a line from the lower end of the extension inward so as to intersection with a similar line extended from the opposite side so that a "V" is formed just under the letter B in the head area. This modification is to represent the lower facial and chin area of a human target. (See Diagram)
2. Thirteen (13) rounds authorized full power ammunition.

**B. Course of fire.** Except for stage 3, no time limits. Slings and reloading gear same as when gun is typically carried.

Stage 1 -- 100 yards -- 1 round

Cold bore; from bench rest or prone supported position; fire one round at 1-inch dot labeled #1.

Stage 2 -- 100 yards -- 3 rounds

From bench rest or prone supported position; fire three rounds at 1-inch dot labeled #2.

Stage 3 -- 100 yards -- 2 rounds -- 6 seconds – PERFORM THREE TIMES

From bench rest or prone supported position; fire two rounds in 6 seconds to the A zone of the head.

Stage 4 – 100 yards – 3 rounds

Fire one round from the kneeling position, one round from the sitting position, and one round from the prone position at the 3-inch dot labeled #3.

**C. Scoring.**

1. This is a pass / fail course. The single shot fired in stage 1 must be within the designated scoring area. Only one shot from stages 2, 3, or 4 may be outside the designated scoring area.
2. Stage 1 -- the shot must be within one inch of the center of aiming dot #1.

3. Stage 2 -- all shots must be within one inch of the center of aiming dot #2 and must fit within a one inch diameter circle.
4. Stage 3 -- all shots must be within the A zone of the head.
5. Stage 4 -- all shots must be within four inches of the center of aiming dot #3 and must fit within a four inch diameter circle.
6. Hits cutting the line of the scoring circle count same as hits completely within the scoring circle.

### 211.110 LESS-LETHAL MUNITIONS QUALIFICATION

#### A. *Requisites.*

1. Target -- IPSC "Brussels" (Scoring area restricted to lower half of A and C zones.)
2. Six (6) rounds MK Ballistics Flexible Baton 12 gauge munitions, or  
Six (6) rounds MK Ballistics Flexible Baton 37 MM munitions.

- B. *Course of fire -- 12 gauge less-lethal munitions.*** All stages start standing with round chambered, weapon held in guard position, safety on. Guard Position -- rifle in standard two hand grip, butt against shoulder, barrel lowered approximately 45 degrees from shooting position. Finger off of trigger lying alongside trigger guard.

Stage 1 -- 15 yards -- 2 rounds -- 6 seconds

Start in any kneeling guard position; fire two rounds to the scoring area.

Stage 2 -- 15 yards -- 2 rounds -- 6 seconds

Start in standing guard position; fire two rounds to the scoring area.

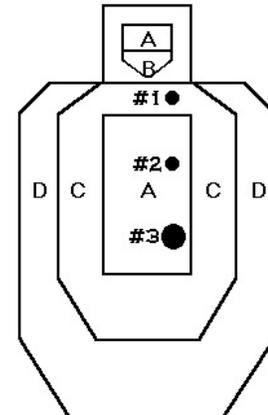
Stage 3 -- 15 yards -- 2 rounds -- 8 seconds

Start in standing guard position; fire one round; drop to any kneeling position; fire one round.

- C. *Course of fire -- 37 MM less-lethal munitions.*** All stages start standing with round chambered, weapon held in guard position, safety on.

Guard Position -- rifle in standard two hand grip, butt against shoulder, barrel lowered approximately 45 degrees from shooting position. Finger off of trigger lying alongside trigger guard.

1. Stage 1 -- 15 yards -- 2 rounds -- 10 seconds  
Start in any kneeling guard position; fire two rounds to the scoring area.
2. Stage 2 -- 15 yards -- 2 rounds -- 10 seconds

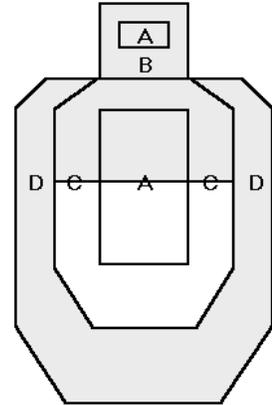


Start in standing guard position; fire two rounds to the scoring area.

3. Stage 3 -- 15 yards -- 2 rounds -- 12 seconds  
Start in standing guard position; fire one round; drop to any kneeling position; fire one round.

#### D. Scoring.

1. All rounds (100%) must strike the target within the lower half of the A and C zones.
2. Hits cutting the line between areas will be scored as the higher of the two point values.



### 211.120 FIREARMS MAINTENANCE

- A. **Weapons to be serviceable.** Officers shall keep their issue weapons and authorized personal weapons clean and in serviceable condition and are required to see that needed repairs are made. Possession while on-duty of a dirty, defective, inoperative, or unauthorized weapon may be grounds for disciplinary action.
- B. **Required inspection of weapons.** Every authorized handgun shall be inspected by the armorer annually. Authorized shotguns and rifles shall be inspected every two years by the armorer. Any firearm found to be defective shall be turned in for repair or exchange. The Operations Lieutenant is responsible for this periodic inspection of all firearms issued to officers.
- C. **Inspection by armorer.** The armorer will check all department-issued weapons turned in for inspection or surrendered to the Department for any other reason, for at least the following:
  1. normal functioning.
  2. cleanliness.
  3. rusting, pitting, and unusual damage.
  4. unauthorized modifications to springs, bosses, barrels, sights, or other parts.
  5. comparison of the serial number against computer master list of firearms.
- D. **Repair of department weapons.** Department-issued firearms found to be damaged or unserviceable will be repaired by the armorer or sent to the manufacturer's authorized representative for repair. The armorer may undertake repairs or mechanical alterations of issue weapons done in strict compliance with factory specifications. The armorer shall document damage caused by neglect or unauthorized modification shall be documented by the armorer. All costs of repair necessitated by negligence or unauthorized modification will be borne by the person to whom the gun was issued.
- E. **Repair of personal weapons.** Repairs to personal weapons, even though authorized or used on duty, are the responsibility of the officer.
- F. **Authorized grips.** Factory grips and other personally purchased grips specifically designed for use on the issue weapon may be used if approved by the armorer.
- G. **Cleaning of shotguns and rifles.** Shotguns or rifles carried in patrol cars shall be cleaned and inspected every month. The Chief Firearms Instructor / Armorer will be responsible for coordinating a schedule for cleaning and the assignment of personnel to complete this task.

- H. *Authorized modifications to shotguns.*** Department issued shotguns, or personally owned shotguns, may be modified as allowed in this section. No cost will be incurred by the Department for modifying personally owned shotguns. Following authorized modifications the shotgun shall be inspected by the armorer prior to its return to service. Authorized modifications are:
1. magazine extensions;
  2. slings;
  3. fore end lights;
  4. ghost ring sights;
  5. "sidesaddle" brand nylon ammunition carriers;
  6. stocks shortened to achieve proper fit: and
  7. special modifications such as shortened barrels to specific shotguns as authorized by the Chief and with proper ATF permits, if applicable.
- I. *Authorized Modifications to Patrol Rifles.*** Department issued rifles, or personally owned rifles, may be modified as allowed in this section. No cost will be incurred by the Department for modifying personally owned rifles. Following authorized modifications, the rifle will be inspected by the armorer prior to its return to service. Authorized modifications are:
1. night sights
  2. tactical slings
  3. fore end lights
  4. low power tactical style scopes that do not interfere with the use of the iron sights
  5. no modification to the trigger mechanism, selector switch, firing pins, magazine release, or bolt release are authorized

### **211.130 CHEMICAL WEAPONRY, EXPLOSIVES AND DISTRACTION DEVICES**

- A. *Devices exempted from section.*** The provisions of this section do not apply to the use of OC spray or projectiles, or to the use of "shell crackers," "seal bombs," or other distraction or explosive devices for animal control purposes.
- B. *Approved training required.*** Only officers having received Department approved training may possess chemical weapons, explosives, or distraction devices. Refresher training is required at least once every five years.
- C. *Use considered force.*** The discharge or use of any chemical weapon, explosive or distraction device other than in training shall be considered use of force, requiring complete documentation under section 104.030.
- D. *Consideration of risk prior to use.*** Chemical weapons, explosives and distraction devices present hazards to Department personnel, suspects, hostages, innocent bystanders, as well as property. Before their use officers should carefully consider the risks.
- E. *Notice to Chief required.*** Although the officer in command of an incident has the authority to authorize the use of chemical weapons, explosives or distraction devices without prior approval, every effort should be made to consult with Command personnel and to notify the Chief prior to the use of these devices when practical. Where such prior notice and consultation was impractical, notice shall be provided to the Chief as soon as possible after the use of these devices.

**F. Deployment of chemical weapons.**

1. Where available, and when practical, appropriate medical personnel and fire fighting equipment shall be staged near the scene prior to use of chemical weapons.
2. A trained officer will determine the type and amount of chemical agent (CS or CN) that can be used, and whether it will be fired, launched, or thrown.
3. Only trained officers shall fire, launch, or throw chemical weapons.
4. An officer launching or throwing chemical munitions shall keep an accurate count of the number of munitions used and shall recover these spent munitions after the incident.
5. When practical, all officers involved shall wear appropriate protective gear.
6. Outdoor use of CN, CS, or HC (smoke) agents in either non-burning or pyrotechnic grenades or projectiles is approved.
7. When used outdoors for crowd control, chemical weapons are not to be launched or thrown directly at persons but are to be deployed upwind on the ground or away from persons.
8. Following exposure to chemical agents, persons should be aided with decontamination and should be provided emergency medical treatment as needed.
9. After the incident is over the officer in charge shall direct a trained officer to initiate decontamination of the scene as appropriate.

**G. Use of distraction devices (Flash/Bangs).**

1. Only devices initiated with a mechanical fuse shall be used.
2. All officers using distraction devices or positioned within proximity of their discharge shall use eye and ear protection.
3. No device exceeding 5 PSI per manufacturer's specifications shall be used in a confined area.

**211.140 LESS-LETHAL MUNITIONS**

- A. Devices covered by this section.** Less-than-lethal munitions (abbreviated less-lethal) are flexible or non-flexible projectiles, fired from a 12 gauge shotgun or a 37/40 MM launcher, intended to incapacitate a suspect with minimal potential for causing death or serious physical injury. Less-lethal munitions are intended to assist in the reduction of injuries to officers and suspects during violent confrontations as well as to assist in the resolution of situations where in other methods of response might place members of the public or responding officers in jeopardy.
- B. Training and authorization required before use.** Only those officers trained in the use of less-lethal munitions will be allowed to carry, deploy, or use those munitions against persons.
- C. Less-lethal munitions may be deadly force.** The use of less-lethal munitions is equivalent to the use of impact weapons on the use of force options. However, use of less-lethal munitions is considered deadly force if intentionally fired at the head or neck of a suspect.
- D. Use considered force.** The discharge or use of any less-lethal munitions, other than in training, shall be considered a use of force, requiring complete documentation under section 104.030.

**E. Deployment and use of less-lethal munitions.**

1. Officers may employ less-lethal munitions based upon their own knowledge and observations in accordance with Department policy and State law. Under these circumstances, the officer assumes responsibility for their decision to employ the munitions.
2. Officers may employ less-lethal munitions on orders from an on-scene supervisor even when the officer employing the munitions lacks independent knowledge that such force is justified. Under these circumstances, the responsibility for the decision to employ the munitions is borne by the on-scene supervisor who ordered the use of the munitions.
3. Prior to the use of less-lethal munitions, the firearm (12 gauge or 37/40 MM) utilized to launch the munitions will be completely unloaded of all standard ammunition. If practical, a second officer will verify the empty status of the firearm prior to the loading of the less-lethal munitions into the firearm.
4. Where practical, the tactical deployment of officers intending to use less-lethal munitions shall be in a two officer team, with one officer armed with a conventional firearm to act as cover officer.
5. It is recognized that less-lethal munitions can cause death or serious physical injury when directed at certain areas of the body and will therefore not generally be directed at the head, neck, groin, knees or elbows of suspects.
6. Dependent upon circumstances present, an officer may use less-lethal munitions as direct fire at any area of a suspect's body when the officer has determined that the threat level has risen to the point where deadly force is justified.
7. After the use of less-lethal munitions against a person, that person shall be examined by medical personnel as soon as practical.

**211.160 NON-ARMED COMBAT TECHNIQUES**

- A. Training Required.** Each officer shall complete Department approved instruction in physical methods of arrest during regularly scheduled in-service training.
- B. Exemptions Authorized.** The Chief may exempt individual officers not in direct enforcement positions from this requirement.

**211.170 DEFINITIONS**

**Firearms Instructor** -- a person who has successfully completed a Department approved firearms instructor course for the type of weapons to be fired.

**Authorized Electronic Weapon** -- an X26 Advanced Taser or subsequent model of electronic weapon having similar characteristics and operation.

**Air Powered OC Projectile Delivery System** -- means a Tippmann Pro/Carbine air powered launcher from PepperBall, designated model SA200 or subsequent model having similar characteristics and operation.

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**CHAPTER 212**  
**PROTOCOL AND COURTESY**

Chapter Revised 01/01/2012

**212.010 FLAG -- COURTESY**

- A. *Employees in uniform.*** Employees in uniform shall salute all national colors not cased when carried on any public occasion.
- B. *Employees not in uniform.*** Employees passing uncased colors in civilian dress and covered will uncover holding the headdress at the left shoulder with the right hand. If uncovered, they will place right hand on left chest.

**212.020 NATIONAL ANTHEM OF THE UNITED STATES -- COURTESY**

- A. *Employees in uniform.*** Whenever the National Anthem is played, all employees in uniform and not in formation shall render the hand salute. They shall stand at attention facing toward the colors, if colors are present; if not, they shall face the source of the music.
  - 1. If in uniform outdoors, they shall salute at the first note of the Anthem, retaining the position of the salute until the last note of the Anthem.
  - 2. If in uniform indoors and covered, they shall salute at the first note of the Anthem, retaining the position of salute until the last note of the Anthem.
  - 3. If in uniform indoors and uncovered, they shall stand at attention until the last note of the Anthem.
  - 4. If two uniformed employees are in a stopped vehicle when the colors pass or the National Anthem is played, the driver will sit at attention while the other officer alights, stands at attention, and salutes as prescribed. A single officer in a vehicle will alight, stand at attention, and salute as prescribed.
- B. *Employees not in uniform.*** Employees not in uniform and covered, shall uncover at the first note of the Anthem, holding the headdress at the left shoulder and so remain until the last note of the Anthem. If uncovered, they shall stand at attention and place their right hand on their left chest until the last note of the Anthem.

**212.030 NATIONAL ANTHEM OF OTHER COUNTRIES -- COURTESY**

When the National Anthem of any other country is played on official occasions employees in uniform shall stand at attention and if covered remain covered. If the officer is not in uniform he will stand at attention and if covered he will uncover until the last note of the Anthem.

**212.040 GOVERNMENT OFFICIAL -- COURTESY**

- A. *Employees in uniform will salute the President/Governor/Chief.*** Employees in uniform shall salute the President of the United States, the Governor of the State of Alaska, and the Chief of the Department should they pass or be met during ceremonial functions; e.g., parade, while on a platform or stage, where the President, Governor and/or Chief arrives on stage, etc.
- B. *Addressing Government officials.*** Members shall address Government officials with their title; e.g., Governor, Senator, Chief, in public where others are present. When others are not present "Sir" or "Ma'am" as appropriate, is correct.
- C. *Addressing other members of the department in public.*** Employees shall address other members of the department, or members of other police departments, or military organizations using their rank when in public and in the presence of others. Commissioned personnel shall acknowledge ranking employees by answering "Yes sir" or "No sir" or "Yes ma'am" or "No ma'am" as appropriate when in public and in the presence of others.

**212.050 MILITARY -- COURTESY**

- A. *Boarding a military ship in uniform.* When boarding military ships and in uniform, the hand salute will be rendered to the flag at the stern and returned to greeting personnel on board the ship.
- B. *Entering a military installation in uniform.* When entering any military installation in uniform, military courtesy shall be observed and the hand salute returned to all who give it; e.g., guards on watch, etc.

**212.060 OFFICER SAFETY EXCEPTION**

The regulations in Sections 212.010 -- 050 of this chapter shall not apply when immediate duty requires full attention, and adhering to the policy would interfere with the officer's ability to carry out his duties or would place the officer or other persons in a hazardous situation

**CHAPTER 213**  
**SEX OFFENDER REGISTRATION**  
Chapter Revised 01/01/2012

**213.010 INTRODUCTION**

AS 12.63, the Alaska Sex Offender Registration Act (ASORA), requires all offenders convicted of a sex offense or child kidnapping (as defined under AS 12.63.100) in Alaska or in any other jurisdiction who are physically present in the state to register within the 30-day period before release from an in-state correctional facility, by the next working day following conviction for a sex offense or child kidnapping if the offender is not incarcerated at the time of conviction, or by the next working day of becoming physically present in the state.

ASORA's registration requirements do not apply to:

1. Offenders who were convicted of a sex offense or child kidnapping committed before August 10, 1994 (the date ASORA became effective);
2. Offenders who were convicted of a sex offense or child kidnapping committed prior to that offense being defined as a sex offense or child kidnapping under AS 12.63.100;
3. Offenders whose conviction for a single non-aggravated sex offense or child kidnapping was set aside before December 31, 1995; or
4. Juvenile offenders unless the juvenile was charged as an adult under AS 47.12 or a similar procedure in another jurisdiction.

The Sex Offender Central Registry Office (SOCRO) is responsible to maintain offender registrations, the sex offender central registry database, and the online public registry of offenders who are required to register. The SOCRO is located at 5700 East Tudor Road, Anchorage, AK 99507 and can be contacted at 269-0397 (within Anchorage), at 1-800-658-8892 (outside Anchorage), or by email at [sor@dps.state.ak.us](mailto:sor@dps.state.ak.us).

**213.020 REGISTRATION REQUIREMENT**

- A. **Initial registration.** Offenders must initially register with the Alaska Department of Corrections if the offender is incarcerated, or in person at the Alaska State Trooper post or municipal police department located nearest to where the offender resides at the time of registration.
- B. **Verifications and changes to registration information.** After initial registration, offenders shall submit their scheduled annual or quarterly verifications or report changes in their registration information by mail or in person to the SOCRO, an AST post, or a municipal police department.
- C. **Forms.** All department approved forms used in offender registration are posted online on the central registry website at [www.dps.state.ak.us/Sorweb/sorweb.aspx](http://www.dps.state.ak.us/Sorweb/sorweb.aspx).

**213.030 DISSEMINATION OF REGISTRY INFORMATION**

- A. **Public queries of the Sex Offender Registry.** The department will provide information contained in the public registry of sex offenders that is subject to public disclosure to any person without charge by posting or making it available in electronic form on the central registry website at [www.dps.state.ak.us/Sorweb/sorweb.aspx](http://www.dps.state.ak.us/Sorweb/sorweb.aspx). The department will charge a fee of \$10 for printed information including a copy of registry information about a single offender who is specified by name, a printed copy of the list of all offenders in a geographic area such as a municipality or village, an area designated by a single postal zip code, or a street name within a specified municipality or village. The fee is non-refundable. The requestor will not receive a refund if there are no matches to the query. If there is a response or responses based on the requestor's query, the requestor will receive a report or reports by mail from the SOCRO.

- B. *Reports made to the public.*** Information provided on the online public registry or in a report will include the offenders name and aliases, date of birth, mailing and residence addresses, employer name and address, a list of the offender's convictions that require registration, a photograph of the offender, and a statement as to whether the offender is in compliance with the registration requirements of AS 12.63.

#### **213.040 ACCEPTANCE OF REGISTRATION PROCEDURES**

Posts or municipalities that receive registration forms must forward them, along with any original envelopes to the SOCRO within five (5) working days of receipt. Registration forms received by these receiving agencies will be date stamped accordingly and will be reviewed for completeness, accuracy, or obvious discrepancies. Attempts will be made to correct any errors or omissions with the filer, regardless of the mode of submission to the agency (in person or through mail). Completed registration forms will be indicated on the form as accepted and will bear the receiving agency's signature. Incomplete registration forms will not be signed by the receiving agency. All registration forms, regardless of their completeness, will be forwarded to SOCRO within the prescribed timeframe cited above.

#### **213.050 INTERIM PROCEDURES**

It is permissible for department employees to enter "interim" registration information as authorized by the Operations Lieutenant. Complete instructions for entering interim registrations are available from the SOCRO and include the ability to add or update personal information, alias information, address information, and employer information. After interim registration information is entered, note on the form that "interim registration information was entered in APSIN" and forward to the SOCRO.

**CHAPTER 214**  
**FOREIGN NATIONALS**  
Chapter Revised 01/01/2012

**214.010 INTRODUCTION**

This chapter establishes protocol for dealing with arrests or detention of foreign nationals.

**214.020 DESCRIPTIONS**

- A. *Treatment of foreign nationals governed by international treaties.*** International treaties require that certain information be supplied to consular officers concerning the arrest and/or detention of nationals of that country.
- B. *Legal status of "diplomatic agents."*** Diplomatic agents, their family members, and their administrative and technical staff cannot be arrested or detained and their property or residence cannot be entered or searched. They enjoy complete immunity and cannot be prosecuted no matter how serious the offense. (There are no diplomatic agents resident in Alaska and contact with them is unlikely.)
- C. *Legal status of "consular officials."*** Consular officials have "official and functional immunity" and can be arrested only for felony offenses and then only with a warrant. After arrest the defendant can attempt to prove that he was on official business and argue that his special immunity protects him from prosecution. The family members of consular officials have no special immunity from arrest, detention, or search.
- D. *24-hour diplomatic status help-line.*** The State Department maintains a 24-hour help desk that can confirm the diplomatic status of individuals claiming to have immunities at (202) 647-1641. This help desk will also accept reports of Alaska Uniform Citations (AUC) and other violations alleged to have been committed by persons with diplomatic status.
- E. *State department law enforcement help desk.*** The State Department Assistant Legal Advisor for Consular Affairs provides attorneys who are available to assist local law enforcement on questions regarding diplomatic law. They are available during east coast business hours at (202) 647-1074.

**214.030 DETENTION OF FOREIGN NATIONALS**

- A. *Detainee right to consular notification.*** Members who arrest, imprison, or otherwise detain a foreign national must inform the detainee of their right to have their government notified of the detention. If the detainee requests notification the member will contact the appropriate consulate or embassy without delay and shall create a written record of the contact in the case report. Current phone numbers for consulates and embassies may be obtained from the State Department help line listed in Section 214.020 D.
- B. *Mandatory consular notification for citizens of certain countries.*** When a citizen from any of the countries listed in this section are arrested, imprisoned, or otherwise detained consular notification is mandatory and will be carried out by the officer regardless of the wishes of the detainee. Officers will document the notification in their case report. Countries requiring mandatory notification:

Albania	Antigua	Armenia	Azerbaijan	Bahamas
Barbados	Belarus	Belize	Brunei	Bulgaria
China (People's Republic)	Costa Rica	Cyprus	Czech Republic	Dominica
Fiji	Gambia, The	Georgia	Ghana	Grenada
Guyana	Hong Kong	Hungary	Jamaica	Kazakhstan
Kiribati	Kuwait	Kyrgyzstan	Malaysia	Malta
Mauritius	Moldova	Mongolia	Nigeria	Philippines
Poland	Romania	Russian Federation	St. Kitts and Nevis	St. Lucia
St. Vincent and Grenadines	Seychelles	Sierra Leone	Singapore	Slovakia
Taiwan (Republic of China)	Tajikistan	Tanzania	Tonga	Trinidad and Tobago

Turkmenistan	Tuvalu	Ukraine	United Kingdom including Anguilla, British Virgin Islands, Hong Kong, Bermuda, Montserrat, and Turks and Caicos	Uzbekistan
Zambia	Zimbabwe			

- C. *Consular access to prisoners.*** Subject to local laws and regulations consular officers have the right to visit their nationals who are detained to converse and correspond with them and to arrange for their legal representation. A foreign consular officer should not be allowed to take actions expressly opposed by the person detained.
- D. *District Attorney to be notified of detention of foreign nationals.*** The District Attorney shall be notified when a foreign national is arrested or otherwise detained. In addition to the usual information concerning the incident and charges they should also be advised of the person's citizenship, whether consular notification has been made, immigration status (e.g., resident alien, visitor's visa, etc.), alien registration number, and the date and port of entry into the United States.
- E. *ICE notification of arrest of foreign nationals.*** When a foreign national is arrested the Immigration and Customs Enforcement (ICE) shall be contacted during business hours at 271-3104 or after hours through their answering service at 267-9413. Upon completion a copy of the case report should be sent to ICE at:

U.S. Immigration and Customs Enforcement  
ATTN: Investigations Section  
620 East 10th Avenue, Suite 102  
Anchorage, AK 99501

#### 213.040 REQUESTS FOR ASYLUM BY FOREIGN NATIONALS

- A. *Notification of asylum requests.*** ICE, the Federal Bureau of Investigation (FBI), or the U.S. State Department, depending upon the particular circumstances, handles requests for asylum. Upon receipt of a request for asylum from a foreign national, officers shall immediately notify the ICE duty officer at 271-3104 (days) or 267-9413 (after hours). If ICE is unavailable, notification should be made to the FBI or the State Department. The officer making the notification shall be prepared to describe any documents carried by the person, their reason for seeking asylum, what foreign authorities are aware of the request, and information on any criminal charges pending against the asylum seeker.
- B. *Protection from harm for asylum seekers.*** Unless there is reason to believe that the asylum seeker is in need of physical protection they shall be directed to go to the ICE office at 620 East 10th Avenue, Anchorage. If the asylum seeker is in need of physical protection, it will be provided. If necessary, force may be used to prevent the forcible repatriation of the asylum seeker.
- C. *Inquiries by foreign authorities.*** Any inquiries from interested foreign authorities will be met by the senior officer present with a response that the case has been referred to headquarters for instructions.

#### 214.050 FBI CONCURRENT JURISDICTION WHEN FOREIGN OFFICIAL IS VICTIMIZED

On October 24, 1972, President Nixon signed an act for the protection of foreign officials and official guests of the United States. The act gives the FBI concurrent jurisdiction in serious crimes in which a foreign official is the victim. These crimes include murder, conspiracy to murder, wounding, imprisoning, offering violence, intimidating, coercing, threatening, or harassing a foreign official or guest, and from obstructing a foreign official in the performance of his duties. Officers will immediately notify the FBI when investigating any of these crimes where the victim is a foreign official or official guest.

#### 214.060 NOTICE REQUIRED WHEN UTC USED TO FOREIGN DIPLOMAT

The U.S. State Department should be notified at (202) 647-1512 when an AUC is issued to a foreign diplomat. If sufficient cause is shown, the diplomatic driver's license of the violator can be revoked.

**CHAPTER 215**  
**TRANSPORT OF PERSONS IN CUSTODY**  
Chapter Revised 01/01/2012

**215.010 INTRODUCTION**

All transports of persons in custody via commercial airlines will be conducted by commissioned officers only. Transports must be pre-approved by the Operations Lieutenant or his designee and will be coordinated by the Jail Supervisor.

**215.020 GENERAL PRISONER ESCORT RESPONSIBILITIES**

- A. *Officer responsible for safety of prisoner and public.*** An officer having custody of a prisoner is responsible for protecting any prisoner in his care from harm, for protecting the public from harm caused by the prisoner, and for delivering the prisoner as required. The officer is responsible for assuring that the prisoner is searched for weapons prior to travel and as necessary during transport, and to use restraints as necessary to prevent the escape of the prisoner, harm to the prisoner, and harm to others.
- B. *Officer responsible for search of prisoners.*** An officer arresting a person or taking control of a person already in custody is responsible for searching the person, clothing, and items carried by the person, for any weapons or other items which could aid the person's escape.
- C. *Prisoners to be kept under direct supervision at all times.*** Prisoners must be accompanied and kept under surveillance by the escort at all times that they are not in a jail or holding facility.
- D. *Officer to restrain prisoner.*** Persons in custody shall be mechanically restrained in a humane manner. Restraints should be appropriate to the potential danger posed by the person and may include handcuffs, security cuffs, belly chains, leg irons, lead chains, or other devices. Officers who fail to restrain a prisoner who subsequently escapes, who harms himself, or who harms another will be deemed to have been in violation of this section unless they can demonstrate a business or safety necessity for the failure to restrain. When transporting a prisoner by aircraft the prisoner will be secured with belly chains if available and complying with Section 215.020 C.
- E. *Receiver to be notified of medical conditions or other dangers.*** An officer delivering a prisoner to an institution or to another officer shall provide notice of any known injuries, medical conditions, required medications, or other circumstances representing dangers to the prisoner. All medication given to a prisoner will be logged and the receiving institution notified of the time, date, and quantity given to the prisoner.
- F. *Prisoner records, property, and funds.*** All prisoner funds, identification, records, and personal property will be kept under the escort's control at all times. Prisoner funds will never be used during travel. Funds received at one jail will be delivered intact to receiving jail.
- G. *Jail-to-jail transport of prisoner possessions.***
  - 1. Prisoner baggage will not be transported. A Department of Corrections box that will fit in the overhead or under the seat of an airplane will be the only item, other than records, authorized for transport.
  - 2. Medication or small personal items can be moved with the prisoner if sealed in some sort of container. (Containers such as grocery sacks which are not secure and could give the prisoner access to potential weapons must be thoroughly searched before being accepted for transport.)
  - 3. Corrections personnel should be encouraged to seal the prisoner's records to help to prevent possible loss, damage, or theft by the prisoner or an accomplice.

**215.030 PRISONER TRANSPORT ON COMMERCIAL AIRLINES**

- A. *Notice to airline required.*** Unless an emergency exists, the primary escort must notify the air carrier at least one hour before boarding a scheduled flight of: the names of the prisoner(s) and escort(s), whether the escort will be armed, and whether the prisoner is considered a "maximum risk."

- B. *Number of escorts depends on "risk."*** The FAA authorizes the custodial law enforcement agency to determine whether a prisoner is a "maximum risk." If the law enforcement agency determines that a prisoner is a "maximum risk" the airline will require at least two escort officers. They will also only allow one "maximum risk" prisoner per flight. Prisoners rated at less than maximum risk may be transported with a single escort.
- C. *Restraining devices on aircraft.*** If requested, the primary escort must advise the air carrier that adequate restraining devices are in the officer's possession and will be used if necessary. Some airlines restrict the use of restraints on their aircraft or in their terminals and may require officers to leave the premises if restraints are visible. This practice is within the airline's rights. Travel may have to be rescheduled or rerouted if circumstances make it impossible to remove prisoner restraints when dealing with one of these airlines. Consult booking agents and supervisors for airline restrictions on restraining devices.
- D. *Airlines set prisoner seating policy.*** Each prisoner must board and be seated in the airline according to airline policy. [Ref. FAR -- 14 CFR 108.21]
- E. *Carrying weapons on commercial airlines.*** Department policy on weapons on commercial airlines is found in OPM Chapter 216.

#### **215.040 SECURING PRISONERS DURING MEDICAL EXAMINATIONS**

A prisoner should remain in restraints during medical or mental examinations. The use of leg irons is recommended if handcuff removal is necessary for medical procedures.

If a doctor insists that restraints be removed, or that the escort leave the room, do so **ONLY** if: the doctor is made aware of potential personal risk; and all exits, including windows large enough to squirm through, can be guarded. The escort will remain outside the exit, alert for trouble, during the entire examination period. If two escorts are used, they will be positioned to guard all potential exits.

If the above conditions cannot be met, and the doctor insists on privacy with the prisoner, the prisoner will be handcuffed securely to an examining table, or a solid piece of furniture that cannot be easily dismantled or pulled through a possible escape exit.

Unless a medical emergency exists requiring immediate treatment, an escorting officer should consider canceling the examination if he is unable to assure the security of the prisoner and the safety of medical personnel.

## CHAPTER 216 WEAPONS CARRY

Chapter Revised 01/01/2012

### 216.010 INTRODUCTION

This chapter establishes policy regarding authorized possession and carrying of weapons.

- A. *Officers required to be armed while on-duty.*** Officers are required to be armed with an issue handgun while on-duty in uniform, unless otherwise ordered by the court while testifying or unless attending formal functions in dress uniform. While on-duty other than in uniform, officers are required to be armed with either the issue handgun, or with an authorized personal handgun. While on-duty other than in uniform the handgun carried will be concealed at all times except when engaged in outdoor activities.
- B. *Off-duty Officers authorized to be armed.*** Officers while off-duty are authorized to apprehend criminals and preserve law and order. Accordingly, every officer is authorized to carry his badge and regular issue handgun, or other approved personal handgun while off-duty. Except while engaged in outdoor activities handguns shall be carried concealed.
- C. *Desk-duty Officers.*** Officers assigned to office or desk duty, or to other duties on Department grounds, shall be considered armed when their weapon is locked in their desk or another safe place where readily available.
- D. *Weapons to be loaded with approved ammunition.*** All weapons carried on or off-duty must be fully loaded with issue or approved ammunition. Only ammunition issued by the Department may be carried or used in issue weapons. Ammunition for non-issue weapons must be new (not reloaded) commercially manufactured ammunition using customary bullet design and safe working pressures and must be approved by the Chief.
- E. *Officers to carry spare ammunition when armed.***

  - 1. While in uniform officers carrying the issue handgun, or an authorized handgun other than the issue handgun, shall carry at least two fully loaded spare magazines in the issued magazine pouch.
  - 2. When carrying any authorized handgun other than in uniform, including as an extra gun authorized under Paragraph F, officers shall carry at least one full reload for the handgun. For semi-automatics this shall consist of at least one fully loaded spare magazine. For revolvers this will consist of enough rounds to reload one time contained in a speedloader, speedstrip, loop-type carrier, drop pouch, or similar container.
  - 3. Rounds carried loose in a pocket do not count as spare ammunition under this section.
- F. *Carrying second handguns.*** Officers may carry a second handgun only after written authorization has been received from the Chief on the recommendation of the rangemaster. The Chief may limit the circumstances under which a second handgun can be carried; may restrict this authorization to specific weapons; and may place other restrictions, conditions, or limits upon its carriage.
- G. *Limitations on dutygear for handguns.*** Officers shall only carry handguns in compliance with these requirements (As used in this section "holster" includes shoulder rigs, purses, pouches, or other handgun carrying systems.):

  - 1. officers on-duty in uniform shall carry their issue handgun only in issue dutygear;
  - 2. when carrying a handgun on-duty out of uniform or as a second gun authorized under Paragraph F, officers shall use either an issued non-uniform holster or other personally purchased holster. Officers shall demonstrate that they can complete stages 6 and 7 of the appropriate handgun course with a score of at least 48 of the possible 60 points prior to using any personal holster on-duty; and
  - 3. officers, when carrying a handgun off-duty shall use either an issued non-uniform holster or other personally purchased holster or may carry the handgun secured in a closed container (e.g., a handbag, daypack, fanny pack, briefcase). Handguns shall not be carried loose in pockets or unsecured in waistbands.

*H. Authorization of personal firearms.* The following standards and procedures apply to officers seeking authorization to carry personal handguns, shotguns, or rifles:

1. While on duty, other than in uniform, a personal handgun may be authorized if it is 9mm or 40 or 45 caliber. Members carrying a personal handgun while on duty other than in uniform must have demonstrated proficiency with that weapon by firing three qualifications, witnessed by a certified firearm instructor, with scores of no less than 192, have demonstrated proper weapon presentations from the dutygear to be used in the normal course of duty, and have demonstrated malfunction clearance drills to the satisfaction of the firearm instructor.

Based on a clear and identifiable need, officers involved in a special duty such as an undercover assignment, may be authorized by the Chief to carry a personal handgun for the duration of that specific assignment.

2. While off duty, a personal handgun carried by an officer must be a semi-automatic pistol or double action revolver, must be at least 38 caliber (including .380 caliber), must hold at least five rounds, and must be approved by the Department's Armorer and Chief. It is recommended that members give thorough consideration to carrying a weapon of similar design and function as the weapon that the member carries while on duty.
3. An officer may have authorization for two personal handguns in addition to the issue handgun.
4. To qualify for authorization, a weapon must be in safe and dependable operating condition. Handguns must have a full trigger guard.
5. A personal shotgun may be authorized if it is at least 12 gauge, and is equipped in a manner that allows it to be used in accordance with current Department training standards.
6. A personal rifle may be authorized if it is suitable for the intended use. It must be equipped in a manner that allows it to be used in accordance with Department training materials. Patrol Rifles must have "iron sights" that are usable at all times.
7. The Chief or his designee must give written approval for each personal weapon and the ammunition to be used in the weapon if it differs from the Department authorized ammunition.

Officers seeking initial authorization to carry personal weapons shall submit a request via the chain of command to the Chief including a Firearms Qualification Record showing a qualifying score(s), the ammunition to be carried, and the armorer's function and safety approval. Unless rescinded, the authorization for the personal weapon continues as long as the officer completes qualifications and inspections as required in this chapter.

8. The personal weapon shall have received a function and safety inspection prior to authorization. The weapons will subsequently be inspected in the same manner as issued weapons.
  - a. Personal handguns, that will be carried while **on duty** other than in uniform, will be inspected by the armorer who is certified to inspect that specific weapon system.
  - b. Personal handguns, that will be carried while **off duty**, will be inspected by the armorer who has personal knowledge of the weapon system and feels competent to determine that the weapon is safe and in dependable operating condition. The armorer will not be compelled to approve an off duty handgun for which they are not specifically certified.
  - c. Personal Shotguns will be inspected by the armorer. Shotguns other than Remington will be inspected by the armorer if they have personal knowledge of the system and feel competent to determine that the weapon is safe and in dependable operating condition. The armorer will not be compelled to approve a shotgun for which they are not specifically certified.

- d. Personal Rifles will be inspected by the armorer. Rifles of a design other than the issue patrol rifle will be inspected by the armorer if they have personal knowledge of the system and who feel competent to determine that the weapon is safe and in dependable operating condition. The armorer will not be compelled to approve a rifle for which they are not specifically certified.
9. The Officer shall have qualified with the weapon as required under Section 104.100.
- I. **Shotguns and rifles in patrol vehicles.** Shotguns and rifles shall be fully loaded when being carried in patrol vehicles except that no shell shall be placed in the chamber, and they shall not be left in unattended vehicles unless the weapon is secured.
  - J. **No weapons to be unsecured.** Under no circumstances shall an officer leave any weapon unsecured in any place where it may fall into the hands of a prisoner or other unauthorized person.

## 216.020 FIREARMS ON COMMERCIAL AIRCRAFT

- A. **Firearms on aircraft limited to certain officers.** Federal Aviation Regulations and commercial airline policies generally do not permit firearms, loaded or unloaded, in the passenger cabins of aircraft or in any secure area. This rule applies to passenger or non-passenger flights; however, certain law enforcement officers may be exempt from this policy. Law enforcement officers are permitted to carry deadly weapons aboard scheduled or charter passenger aircraft where security screening is required when it is necessary to have a weapon accessible in connection with the performance of duty during the period of time it would otherwise have been placed in checked luggage until returned after deplaning.

Others who may carry weapons on aircraft include federal law enforcement officers, certain other federal officials, local and state law enforcement or corrections officers actually escorting prisoners, diplomatic bodyguards, and certain other persons authorized by the airlines and the FAA.

- B. **Requirements for armed travel within Alaska.** Sitka Police Officers may carry weapons aboard aircraft within Alaska when:
  1. they have advised the airline of the armed status;
  2. they have their official credentials for presentation upon request to airline personnel;
  3. they are escorting prisoners or are traveling to or returning from prisoner escort duty;
  4. they are in compliance with all Department of Homeland Security rules and regulations
  5. they are not under the influence of alcohol or medications that would impair their judgment while aboard the aircraft.
- C. **Requirements for armed travel out-of-state.** In addition to meeting all the requirements of Section 216.010 (B) SPD officers will be acting as the second officer accompanying a State Trooper when traveling armed outside the State of Alaska. [See Section 216.030] Generally officers will only be authorized to carry weapons aboard outside airlines while they are actually escorting a prisoner. Airlines may require that weapons be placed in checked baggage as a condition of transport.
- D. **Transporting firearms in checked baggage.** No member shall transport, or tender for transport, any unloaded firearm in checked baggage aboard an airplane, unless the passenger declares orally, or in writing, to the air carrier before checking the baggage that any firearm carried in the luggage is unloaded; and the firearm is carried in a hard-shell locked container. The airline will place a firearms notice within the bag.
- E. **Members may not consume alcohol while armed on aircraft.** No member will consume alcoholic beverages while traveling armed aboard any aircraft.

- F. ***Pilot may refuse transport of armed officer.*** The pilot in command has final authority regarding the presence of armed officers on the flight, and may refuse passage to armed persons. Members who are refused passage shall document the incident and notify their immediate supervisor at the earliest possible opportunity. Members may have to accede to airline demands to check firearms, or make alternate arrangements necessary to complete their travel. In no case are members to argue the decision with airline flight crews or personnel. If contact with the airline concerning this incident is required it will be made only after a thorough supervisory review.
- G. ***Review of chapter required before travel.*** Prior to any prisoner transport aboard a commercial airline officers will review this chapter and any other materials relating to travel while armed.

#### **216.030 TRANSPORTING OC SPRAY ON AIRCRAFT**

US D.O.T. classifies OC spray as a hazardous material that may be transported in the holds of commercial aircraft when properly secured. Unfortunately the regulations regarding the transport of these substances aboard aircraft are very complex and are poorly understood even by air carriers. Air carriers may refuse to transport OC spray if they become aware of its presence. Because the discharge of even a small amount of OC spray in the cockpit area of an aircraft could cause loss of control and a consequent crash OC spray will not be carried by any SPD officer on any commercial aircraft.

#### **216.040 AIRPORT SECURITY SCREENING**

- A. ***Secure airport areas entered only through screening points.*** Officers will enter sterile areas of airports only through screening points and never through concourse exits.
- B. ***Bypass of airport security screening by armed officers.*** Armed officers may bypass the screening process at airport security screening points only by presenting bona fide credentials to the screener or law enforcement officer in charge of the checkpoint and advising this person that he or she is armed. This procedure applies to uniformed and non-uniformed officers alike.
- C. ***Unarmed officers receive regular screening.*** Unarmed officers traveling via commercial airlines will submit to screening in the same manner as any other passenger.

## CHAPTER 217

### INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL)

Chapter Revised 01/01/2012

#### 217.010 INTRODUCTION

INTERPOL exists to promote mutual assistance among international law enforcement authorities in the prevention and suppression of international crime; assistance in facilitating international arrests and extraditions; and an exchange of criminal justice and humanitarian information between member nations. U.S. participation in INTERPOL is through the United States National Central Bureau (USNCB) pursuant to Title 22 U.S. Code Section 263a, U.S. law and policies, and the INTERPOL Constitution.

The USNCB does not function as an operational entity with regard to investigations of criminal matters, but rather coordinates and facilitates requests for information between foreign and U.S. law enforcement organizations regarding persons, vehicles, and goods that bear on criminal matters within their respective jurisdictions. Unless federal jurisdiction is involved, USNCB is the only medium that state and local police have for securing foreign police assistance in any criminal matter. Investigative requests received by USNCB are referred to the appropriate foreign National Central Bureau.

#### 217.020 ASSISTANCE AVAILABLE THROUGH INTERPOL

Types of assistance available through INTERPOL include: name checks; criminal history checks; license checks; fingerprint checks; photograph and physical description checks; fugitive searches; witness location and interviews; weapons traces; modus operandi information; extradition and deportation proceedings; selected types of stolen property identification and recovery; information on missing, ill, or deceased persons; wanted notices; and terrorism intelligence. INTERPOL also provides assistance in humanitarian cases involving death notifications, child custody, parental abduction matters, and law enforcement applicant inquiries.

#### 217.030 PROCEDURES FOR INTERPOL CASE INITIATION

- A. *All Department contact with INTERPOL will be through liaison officer.*** Officers of the department will direct all requests for INTERPOL assistance through the INTERPOL Alaska Liaison Officer assigned to the Criminal Intelligence Unit under AST. The Liaison Officer will review the request to assure it meets requirements and contact the USNCB for action on the request.
- B. *Submitting requests for INTERPOL assistance.*** Request(s) received from department officers or municipal agencies must include the specific reason for the request, the urgency of the matter, and complete details on the investigation or assistance requested. Requests shall be submitted to the INTERPOL Alaska Liaison Officer:

AST – Criminal Intelligence Unit  
INTERPOL Alaska Liaison Officer  
101 East Sixth Avenue  
Anchorage, Alaska 99501  
Telephone: 907-265-8153 (days), Fax: 907-274-0851  
NLETS: AKAST0100

- C. *Requirements for INTERPOL assistance.*** The INTERPOL Alaska Liaison Officer will review all requests for assistance to ensure that the request meets INTERPOL requirements. If any of the requirements are omitted, the Liaison Officer will contact the requester for additional information before submitting the request to USNCB. Requests for INTERPOL assistance must include:
1. An INTERPOL member country and legitimate U.S. law enforcement agency;
  2. An international investigation;
  3. A violation of the laws of the U.S. and the foreign country involved;
  4. A case with no relation to political, racial, religious or military matters;

5. A link between the crime and the subject of the case;
6. A clear indication of the reason for the request;
7. The type of investigation; and
8. Identifying information as complete as possible on the subject.

**D. Information** required on INTERPOL applicant inquiries. Applicant inquiries through INTERPOL must be submitted in writing and must include the following:

1. Reason for the request, e.g., applicant for law enforcement position;
2. Full name of applicant (to include last name, first name, and middle name/initial);
3. Date and place of birth;
4. Parents names (to include mother's maiden name - required if record checks are to be completed in Spanish-speaking countries);
5. Name of each country the applicant has resided in or visited, and the dates; and
6. Fingerprints - while not required by each member country, a more conclusive search will be conducted if provided.

## **CHAPTER 218 INTERVIEWS**

Chapter Revised 01/01/2012

### **218.010 INTRODUCTION**

The law regarding the admission of statements, admissions, and confessions is complex and evolves over time. The sections of this chapter which discuss law and technique are intended to provide general guidance only. Officers should consult the Department of Law for advice on the legal admissibility of particular statements, and on the advisability of using certain interview techniques.

### **218.020 NON-CUSTODIAL INTERVIEWS**

The interview of a suspect of an offense, when feasible, should be scheduled in a non-custodial atmosphere thereby dispensing with the requirements of Miranda. To accomplish this, Officers should take every step to assure that interviews are conducted under circumstances that are clearly non-custodial.

The factors which determine if an interview is non-custodial include the location, date, time of interview; surroundings; and transportation means, if provided. However the principal factor is whether the person considered themselves free to break off the interview and leave at any time. The best manner of assuring that an interview is non-custodial is a clear notification and acknowledgment by the person(s) being interviewed that the interview is non-custodial and that the person(s) is free to break off the interview and leave at any time.

As with all suspect interviews, Officers should record the non-custodial interview whenever possible. The recording can be made with or without the knowledge of the person being interviewed if you have identified yourself as a police officer.

### **218.030 CUSTODIAL INTERVIEWS**

- A. *Cases prosecuted in State courts.*** Custodial interviews must be recorded, in their entirety, including the recitation of the Miranda Warnings and the time the interview starts and ends in those situations where the person(s) is interrogated in a place of detention such as a police station or jail or any other place the person being interviewed is not free to leave. (Police vehicles may also be considered by the court as a place of detention.)

The only exceptions are for an equipment failure or the defendant's refusal to answer questions while being recorded.

1. In the event of an equipment failure, detailed documentation should be prepared to substantiate the failure and should be noted in the report. (Damaged recorders will be retained in evidence in order to substantiate a malfunction.)
2. If the defendant does not want to be recorded, or refuses to be recorded, record the defendant's refusal before stopping the recording. Take contemporaneous notes or call a witness to listen with you. If at all possible try to gain the cooperation of the defendant to record the interview. Note, however, that a surreptitious recording is still acceptable as noted in OPM 218.040(B).
3. Each individual situation will be reviewed by the trial court to address whether it was feasible to record under the circumstances of the case. The Supreme Court has held the failure to record "should be reviewed with distrust, and if this rule is violated there will be automatic suppression of the statute unless the above exceptions are present."

- B. *Cases prosecuted in Federal courts.*** If it is known that a case is going to be prosecuted Federally, members may elect not to record an in-custody interview / interrogation but must recognize that statements of the suspect / defendant may not be admissible in any subsequent state prosecution.

**218.040 RECORDING SUSPECT INTERVIEWS**

- A. *Record the entire conversation and interview with suspect.*** Begin recording when you enter the interview area and keep recording until the defendant has left the interview area regardless of the defendant's choice of having counsel present or remaining silent. (The defendant may initiate a conversation or make comments before leaving the room and the recording will prove that it was the defendant who initiated the conversation.)
- B. *Surreptitious recording may be allowed.*** Usually the defendant knows that the conversation is being recorded; however, surreptitious (without the person's knowledge) recordings are legal as long as the defendant knows that he/she is speaking with a police officer.
- C. *Avoid unexplained gaps in recordings.*** Make sure the recording contains no unexplained gaps. Explain any unavoidable gap when you resume recording and state what, if anything, occurred while not recording and have the interviewee concur. Additionally, state the time when you went off record and came back on record. It may also be necessary to reiterate that during the break no promises were made to the interviewee and have the interviewee acknowledge this fact.
- D. *Information that should appear on the recording:***
1. the time and the date the interview commenced;
  2. the location of the interview;
  3. the name of the person being interviewed and any other persons present;
  4. the case number;
  5. any readings of Miranda rights and the interviewee's verbal acknowledgment of those rights (make sure the acknowledgment is clear and unambiguous);
  6. the interviewee's acknowledgment that, while in a place of detention, no prior unrecorded custodial interview statements were obtained;
  7. the reason for any breaks in the recording; and
  8. the time and date the interview ends.

**218.050 RETENTION OF INTERVIEW RECORDINGS**

- A. *Recordings of all interviews with suspects or defendants are to be retained.*** Surreptitious, non-consensual, and consensual recordings of all suspect conversations shall be retained as evidential items.
- B. *Recordings will be processed as evidence items.*** All original recordings of interviews shall be processed as evidence and secured per acceptable standards as outlined in OPM Chapter 202.
- C. *Transcription should be done from copies of recordings.*** Copies of interview recordings should be made and the original placed in evidence. Transcriptions should be made from the copies whenever practical.

**218.060 CUSTODIAL INTERVIEWS WITH JUVENILES**

- A. *Recordings must be made of juvenile in-custody interviews.*** When a juvenile is in custody all interviews must be recorded and a good faith effort, following all leads, must be made to contact and notify the parents, prior to beginning the interview [Ref. Criminal Rule 6 and AS 47.10.140].

Recordings should be made of the juvenile being advised of his/her right to have a parent, or other adult, present during the interview and the responses, including any waivers, made by the juvenile.

- B. *Juveniles have the right to have a parent/adult present during any questioning.*** An in-custody juvenile has the right to have a parent or adult present during any questioning. This right can be waived by the juvenile. Unless the juvenile waives this right, do not proceed with the interview until the parent or guardian arrives. If a parent/adult is requested during the interview but cannot be located after a good faith effort, the juvenile must still waive the presence of the parent/adult before continuing.

The efforts to locate parents of in-custody juveniles must be documented in the case report and/or in the Officer's notebook. The report should document the name(s) of the parent, or other adult sought or contacted; the methods of contact and number of attempts; the times of day that attempts were made; and the results of these attempts.

A parent/adult has no right to prevent a child from making a statement. If a parent/adult becomes disruptive during the interview, and reasonable efforts to modify that person's behavior fail, that person may be asked to leave without ending the interview as long as the juvenile agrees to continue the interview without the parent or adult present.

- C. *In-custody juveniles have the same Miranda rights as adults.*** Read and explain the Miranda Warning to the juvenile and ensure that these rights are understood. Only after assuring that juvenile understands the rights and voluntarily waives them can the officer proceed with the interview. In cases where you know the juvenile will be waived to an adult, advise the juvenile that any statement can be used against them in ADULT COURT.
- D. *Factors examined by Courts in evaluating juvenile waivers and statements.*** Courts look closely at juvenile waivers and judge them according to the age, intelligence, education, prior experience with law enforcement, and mental state of the juvenile; the length of questioning; and the opportunity to consult a parent, guardian, or attorney. Because of the complexity of these issues it may be advisable to contact the on-call District Attorney before proceeding with critical interviews of juveniles.

#### **218.070 GENERAL QUESTIONING OF WITNESSES AT OR NEAR A CRIME SCENE**

- A. *Responding officers may ask questions without advisement of rights.*** Responding officers may ask questions of those present without advising them of their rights for the limited purpose of determining the nature of the incident, assuring that remaining dangers are identified, and to locate the persons directly involved.

This type of questioning is normally a brief discussion of urgent matters and is necessary, permissible, and encouraged. However, the officer needs to be mindful that if the circumstances become custodial in nature, regardless of whether an arrest has been made, then the Miranda rights may need to be read to the interviewee.

Since custody is a state of mind, a person is considered to be in custody if, under similar circumstances, a person of reasonable mind, placed in the suspect's position, could reasonably feel that his/her liberty is being restrained in some significant way.

To avoid a conflict with Miranda requirements, questioning should be brief and limited to obtaining information regarding: an assessment of what occurred; confirming the person as a suspect and/or developing any other suspects; detecting any remaining dangers to the Officer or others; locating the victim, and/or ascertaining if any other victims exists; or locating any weapons or other easily lost evidence.

- B. *Miranda not recommended for general questioning of persons not in custody.*** During general, non-custodial questioning, an officer is not required to advise an individual questioned of their Miranda rights. However, care must be taken to immediately document any admissions made during this general questioning (for instance notation in notebook, obtain the name, identification, and any other officer who may have heard the admission, etc.) If at any time during the interview the situation changes from non-custodial to custodial, the person must be advised of their Miranda rights to insure that any further statements will be admissible.

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## CHAPTER 219

### ARREST

Chapter Revised 01/01/2012

#### 219.010 GENERAL INFORMATION ON ARREST

- A. *Conditions constituting arrest.*** The following elements must be present to constitute an arrest:
1. the seizure or restraint of a person, either actual or constructive, must be for the purpose of taking the person before the court for the administration of law;
  2. the arresting person must be acting under actual or assumed authority for taking a person into custody;
  3. the actual taking into custody, or detention of a person, either by force or by the persons acquiescence to control, resulting in restraint of the person's movements and loss of liberty (an officer making a statement to the accused that he or she is under arrest does not meet this criteria); and
  4. the person must understand that he is under arrest and in the control and custody of the person making the arrest.
- B. *Brief detention does not constitute arrest.*** The brief investigative stop of a person for the purpose of issuing a citation, or for investigating suspicious activities do not constitute arrest. Officers having questions of when investigative stops constitute arrest should seek legal advice.
- C. *Warrant arrests.*** Any police officer may serve an arrest warrant issued by a judge or magistrate who has been given probable cause supported by oath and affirmation. It is not necessary to have the warrant in your possession; knowledge of its existence is sufficient. Although a copy of the warrant does not have to be given to the accused immediately, this should be done as soon as practical.
- D. *Arrest without a warrant.*** Arrests can be made without a warrant:
1. when the crime was committed in the presence of the person making the arrest;
  2. for felony offenses, for DUI within 8 hours of an accident, for Domestic Violence 4th degree assault and for other DV-related crimes.
  3. for escape in the fourth degree (AS 11.56.330) for persons who have walked away from residential centers and halfway houses.
- E. *Avoidance of double jeopardy.*** A person cannot be charged with a second offense arising from the same course of conduct. Officers must pay particular attention to this issue when considering misdemeanor charges in cases where the conduct could also support felony charges. If the person is convicted of the misdemeanor charges they cannot later be charged with a felony for the same conduct (Grady v. Corbin, 47 Crim.L.Rptr.). This situation arises most often in traffic accidents where there has been a serious injury or death and where a plea to a misdemeanor DUI charge prevents a later assault or manslaughter charge based on the same circumstances. Contact the DA for advice in these situations.

#### 219.020 RESPONSIBILITIES OF OFFICER MAKING ARREST

- A. *Force authorized only as in OPM 104.*** The use of force used in making an arrest must be in compliance with policy set out in OPM Chapter 104.
- B. *Prisoner transport provisions apply upon arrest.*** Upon arrest of a person the provisions of OPM 215 apply. Particular attention should be paid to Section 215.010 dealing with escort responsibilities, restraint of prisoners, and search of prisoners.

- C. **Arresting officer responsible to secure defendant's property.** It is the responsibility of the arresting officer to secure personal property in the possession of the arrested person. Officers are also responsible for securing real property or vehicles when encountered during an arrest.
- D. **Defendant has right to contact attorney.** A defendant must be given reasonable opportunity to call an attorney upon request [Ref. AS 12.25.150 and Criminal Rule 5(b)]. The defendant may make local calls on Department phones however, any long distance calls must be made collect. An Officer can use reasonable means to prevent the transmission of information by the defendant that could cause evidence to be destroyed prior to search or the issuance of warrants. Attorneys are allowed to immediately visit with a person in custody at the request of the defendant or the defendant's family or friends.
- E. **Defendant to be arraigned within 24 hours.** Defendants must be brought before a judge or magistrate within 48 hours of the arrest. Prior to the arraignment, a criminal complaint must have been filed alleging the criminal violation.

### 219.030 CITATIONS IN LIEU OF ARREST

- A. **Officer may issue citations for certain misdemeanors.** AS 12.25.180 provides that an officer may issue a citation for a misdemeanor offense in lieu of arrest unless:
  - 1. the person does not furnish satisfactory evidence of identity;
  - 2. the officer has reasonable and probable cause to believe the person is a danger to self and others;
  - 3. the crime is one involving violence to another person or to property; or
  - 4. the person asks to be taken before a magistrate or judge.
- B. **Officer to give five-day notice of court appearance.** Officers who cite persons for misdemeanor offenses are required to give that person five days notice of the appearance date. [Ref. AS 12.25.190]
- C. **Defendant must sign certain citations.** AS 12.25.190 requires that for the misdemeanor citation to be valid the defendant must sign at least one copy of the citation as a written promise to appear in court except that signatures are not required on citations issued:
  - 1. for motor vehicle, traffic, or fish and game citations for which a bail schedule has been established;
  - 2. for failure to post alcohol warning signs where alcoholic beverages are sold under AS 04.21.065;
  - 3. for smoking in violation of AS 18.35.300-305 [Ref. AS 18.35.341];
  - 4. for crimes committed in parks and recreational facilities supervised by DNR cited under AS 41.21.960; or
  - 5. for littering citations issued under AS 46.06.080.

### 219.040 NOTIFICATION TO PARENTS OF JUVENILES CITED FOR MISDEMEANORS AND VIOLATIONS

Parental involvement with juveniles involved in minor criminal misbehavior can be critical to preventing escalating criminality among the young. Notification of the parents of juveniles cited, especially for alcohol or drug violations, is a positive way that SPD can encourage such parental involvement.

- A. **Notice required when juveniles cited for alcohol or drug violations.** An officer issuing a criminal citation to a juvenile who has been involved in an alcohol or drug activity is responsible for contacting the juvenile's parents. The officer issuing the citation or summons may make the notification personally or through dispatch.

At a minimum the notice to the parent will include the circumstances of the contact, the alleged violations, whether a citation to appear in court was issued, and an explanation of why and to whom the juvenile was released.

This notice requirement does not apply to routine traffic citations. Officers issuing non-alcohol or drug related criminal citations to juveniles are encouraged, but not required to make parental contact.

- B. *Notice by dispatch to include officer contact information.*** If dispatch makes the parental notification, the officer's name will be given as a point of contact in the event the parent has any questions. If the parent would like to speak with the officer at that time, dispatch will relay that information to the officer or shift supervisor, and as soon as practical, the officer will make a follow-up phone call to the parent to answer any questions.
- C. *Release of intoxicated juveniles.*** If a juvenile is determined to be intoxicated (.08 by PBT or Datamaster), the juvenile will be released only to a parent, guardian, or responsible adult.

#### **219.050 PRIVATE PERSONS ARRESTS**

- A. *SPD to respond to citizens arrest cases.*** Whenever practical SPD will respond to reports of arrests made by private persons.
- B. *Officer responsible for confirming probable cause.*** When a member is confronted with a person who wishes to make a private person arrest, the member will determine that the private person has probable cause for felony and misdemeanor offenses and that if the crime is a misdemeanor that the crime was committed in their presence.

The determination of probable cause may include confirming investigations, such as field sobriety or PBT testing, by the Officer. The decision to arrest or not is made by the investigating Officer.

- C. *Persons to be released if arrest unlawful.*** If the member determines that the arrest was unlawful or if he is unable to confirm the existence of probable cause he will insure that the person detained is released.
- D. *Person making arrest must sign form.*** All persons who make a private persons arrest must complete and sign an "Arrest by Private Person" form and provide a written statement detailing the probable cause for any stop and arrest for the investigating Officer.

#### **219.060 ARREST OF MILITARY PERSONNEL**

- A. *Press release information can be released to military.*** When the military requests information concerning the arrest of a member of the military service they may be granted full access to any press release that has been prepared concerning the incident.
- B. *Case reports disseminated per OPM 206.*** Copies of case reports concerning military personnel will be released as provided under OPM 206. Requests for reports where prosecution is pending should be made to the appropriate District Attorney who may release a copy of the report to the Military Police upon request. When prosecution is not pending, SPD will provide a copy of the report to the Military Police upon request per OPM 206.

#### **219.070 ARREST OF INJURED PERSONS**

- A. *SPD pays cost of medical treatment.*** SPD is required to pay for the treatment of injured or ill prisoners under the provisions of AS 33.30.071(c) which states that, "Medical services for a prisoner who is unconscious or in immediate need of medical attention before admission to a correctional facility or commitment by a court to the custody of the commissioner of corrections shall be provided by the law enforcement agency having custody of the prisoner. The law enforcement agency may require the prisoner to compensate the agency for the cost of medical services provided for a pre-existing medical condition not arising out of the prisoner's arrest."
- B. *Officers should consider not arresting injured person.*** Officers should carefully consider the necessity of arresting a person who is injured or in need of immediate medical treatment. If the person does not present a danger to others, and is not a flight risk the officer should consider putting off the arrest until after the person is released from a medical facility. When possible, members should consult their supervisor before arresting injured persons.

- C. *Arraignment of person confined to medical facilities.*** If an arrested person is confined to a medical facility and cannot be transported to court for arraignment a magistrate will have to conduct the hearing telephonically or by coming to the facility.
- D. *Actions when injuries caused by SPD.*** If the prisoner's injuries were caused by a member's actions, or occurred while the prisoner is in department custody, the member shall:
1. immediately notify their supervisor of the prisoner's injuries and follow up with a memorandum explaining the circumstances involved in the prisoner receiving the injuries; and
  2. inform the medical facility to bill SPD for treatment.

## CHAPTER 220 ELECTRONIC SURVEILLANCE AND MONITORING

Chapter Revised 01/01/2012

### 220.010 ELECTRONIC SURVEILLANCE AND MONITORING POLICY

- A. **Electronic monitoring to be legal.** It is the policy of the Department that no surveillance of any type involving the use of any electronic recording or listening device may be used without clear legal authority.
- B. **Violations of monitoring policy.** Employees violating the provisions of this chapter may be subject to discipline up to and including termination. Improper surveillance may also be a criminal violation under AS 42.20.310 or other statutes. [See also OPM 101.070 (W) Surreptitious recording of one employee by another.]

### 220.020 SURREPTITIOUS PARTICIPANT MONITORING

- A. **Glass Decision.** The Alaska Supreme Court, in a decision issued September 15, 1978, opinion number 1724, ruled that:
  - 1. the fourth amendment governs the seizure of tangible items, but also extends as well to the recording of oral statements;
  - 2. one who engages in private conversations is entitled to assume that their words will not be broadcast or recorded absent their consent or a warrant;
  - 3. Alaska's Constitution "privacy amendment" prohibits the secret electronic monitoring of conversations upon the mere consent of one participant; and
  - 4. a search warrant will be obtained from an impartial magistrate, based on probable cause to believe that criminal activity will be discovered, before electronic monitoring or recording of conversations should be allowed. As in other search and seizure contexts, the requirement of a warrant may be disregarded under exigent circumstances. [Ref: OPM 220.020 (C)]
- B. **Privacy Expectation Exemption.** The Alaska Supreme Court ruled in a decision issued June 29, 1984, opinion number 2841, that a person has no expectation of privacy when they are knowingly conversing with a law enforcement officer (City of Juneau V. Marcelo Quinto, Jr.)

The test as to whether you may surreptitiously record a conversation without a warrant is whether or not the person(s) knew they were in the presence of a police officer. You must be able to establish that the person knew they were talking to a police officer. It is recommended that this advisement be clearly given and recorded along with the entire conversation.

- C. **Peace officer safety wire.** The Alaska Legislature has authorized the use of a "safety wire" without first obtaining a court order, for the safety of an undercover police officer during the course of a criminal investigation [AS 09.65.214, AS 12.37.400, and AS 42.40.320(a)(8)]. The "safety wires" authorized by these statutes are limited to peace officers and do not cover confidential informants. They also limit the use and reporting of information gathered as a result of the use of this safety wire. Investigators monitoring a safety wire are not allowed to record the conversation or to testify about the content of the monitored conversation and should not refer to the content of the conversation in any reports.
- D. **Special Situations -- Consultation with District Attorney.** Any other situation where monitoring and/or recording of conversations may be contemplated, exigent circumstances or not, without benefit of a warrant, shall be discussed with the local District Attorney's staff prior to the commencement of such actions.

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**CHAPTER 221**  
**RIOT AND UNLAWFUL ASSEMBLY**  
Chapter Revised 01/01/2012

**221.010 INTRODUCTION**

- A. *Crime of riot.*** A person commits the crime of riot if, while participating with five or more persons, he engages in tumultuous and violent conduct in a public place; and, thereby causes, or creates a substantial risk of causing damage to property or physical injury to a person. Riot is a class C felony [Ref. AS.11.61.100].
- B. *Labor disputes.*** Unless criminal violations need to be acted upon, Officers will not interfere in labor disputes without the express order of the Chief, or designee.

**221.020 PLANNING FOR UNLAWFUL ASSEMBLIES**

Whenever possible, the following intelligence information should be gathered prior to initiating a response to a riot or unlawful assembly incident:

1. the purpose, object, time, location, schedule, and estimated number of attendants of the assembly;
2. the identity of the leaders, including photos if available;
3. the means of transportation to be used by the group;
4. the attitude of the community;
5. if any opposition to the gathering exists and how it will be displayed;
6. access and escape routes from the critical area;
7. the locations:
  - a. of buildings and high points shadowing the area from above;
  - b. where check points or roadblocks can be established; and,
  - c. of trouble spots in the critical area, such as taverns, liquor stores, gas stations, sporting goods, and stores which may provide weapons; and
8. the emergency numbers for hospitals, ambulances, tow trucks, utility companies, fire companies, police agencies, court, district attorney, and detention facilities; and
9. whether the local magistrate will be available.

**221.030 RESPONSE TO RIOT INCIDENT**

- A. *Preparation for response.*** When response to a riot incident is anticipated the commanding officer should assure that the following steps are accomplished as appropriate to the situation:
  1. establish a secure command post with adequate communications (e.g. telephones, bullhorns, and radios);
  2. designate a staging area in a sheltered, out of sight location for officers to gather;
  3. locate facilities for parking and security of authorized vehicles;

4. gather special equipment such as: emergency lighting; emergency power; sound equipment; tear gas and masks; ropes and barricades; ambulances and fire trucks; helmets, batons; other special weapons; photographic and video equipment for documenting incident; and prisoner transportation vehicles;
5. develop a coordinated plan for deployment of the detail including plans for an adequate ready reserve, to be kept uncommitted until necessary;
6. assign officers to four-man tactical units;
7. arrange for temporary detention facilities in case normal facilities cannot cope with the situation.

**B. *Guidelines for response.*** The response to a riot incident can have a significant effect on the severity of the incident. The following are guidelines that have been shown to reduce tensions:

1. maintain strict neutrality;
2. be calm, courteous, and firm when dealing with participants and witnesses;
3. do not discuss the situation with the public;
4. do not use unnecessary force or violence;
5. however, mob situations should be handled firmly;
6. do not attempt to bluff anyone;
7. maintain communications with tactical unit leaders including clear assignments.

**C. *Recommended tactical response.*** The following steps form the outline of a recommended tactical response to a riot incident:

1. isolate the critical area;
2. keep unauthorized persons out;
3. let those who wish to leave do so, after obtaining their name and address;
4. contain the situation in one area to avoid a running battle and the consequent fragmentation of manpower;
5. assemble the detail, as rapidly as possible, out of sight of the crowd;
6. march the portion of the detail to be used immediately to the area where the crowd is gathered and deploy personnel to cover high vantage points overlooking the crowd;
7. the member in charge will order the crowd to disperse (using amplification equipment as necessary) including routes they may use to leave and setting a definite time for compliance.

**D. *Dispersal of crowds.*** When the time limit for dispersal has expired crowds may have to be dispersed. The following guidelines are provided as suggestions:

1. identified leaders who are present and any others who refuse to leave will be arrested;
2. personnel should contain the mob to allow controlled dispersal;
3. members should operate in teams and should avoid becoming separated from their team while executing these operations;

4. teams should use formations when moving upon the mob in order to concentrate their impact and to cause the mob to respond in desired manner:
    - a. frontal or skirmish position -- each member of the squad or unit is in a straight line at close intervals, used to hold or drive back entire mob;
    - b. wedge -- used to split the crowd or to enter crowd to effect rescue or arrest;
    - c. diagonal -- used to force the crowd to move in a desired direction; and
  5. since members should not quit the formation, teams should be provided behind the formation to take custody of individuals arrested or to assist those injured.
- E. *Recommended special orders.*** The officer in charge of a riot or mob response may need to issue special orders to members. These may include orders:
1. that no member shall leave an assigned post or duty until officially relieved;
  2. that before going off duty, members shall make complete field notes for use in the later preparation of reports; and,
  3. specific direction on dealing with by-product crimes (such as arson, looting, or sniping).

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**CHAPTER 222**  
**VIOLENT CRIMES COMPENSATION**  
Chapter Revised 01/01/2012

**222.010 VIOLENT CRIMES COMPENSATION NOTIFICATION**

- A. *Department required to notify victims.*** AS 18.67.175(b) requires every law enforcement agency to inform the victims of violent crimes (or their surviving dependents) of the provisions of the violent crimes compensation act.
- B. *Applications to be available from SPD.*** Applications for violent crimes compensation shall be available at SPD offices.
- C. *Members to issue VCC cards to eligible victims.*** Members shall keep an adequate supply of Violent Crimes Compensation (VCC) Cards and shall issue them to victims as required. VCC Cards are available through the Violent Crimes Compensation Board which is part of the Alaska Department of Public Safety.

**222.020 PERSONS ELIGIBLE FOR COMPENSATION**

A victim, or a victim's surviving dependent, may be eligible for compensation if injury or death resulted from: an attempt on the part of the applicant to prevent a crime, capture a suspect, aid a police officer, or aid the victim of a crime; or resulted from the commission or attempt to commit the following crimes by someone other than the applicant:

1. murder in any degree;
2. manslaughter;
3. criminally negligent homicide;
4. assault in any degree;
5. kidnapping;
6. sexual assault in any degree;
7. sexual abuse of a minor;
8. robbery in any degree;
9. threats to do bodily harm; and
10. any crime resulting from the operation of a motor vehicle, boat, or airplane when the offender was intoxicated.

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## CHAPTER 223 BIOTERRORISM RESPONSE PROCEDURES

Chapter Revised 01/01/2012

### 223.010 INTRODUCTION

The policy in this chapter represents current best practices for handling an Anthrax threat or other bioterrorism incident. As other information becomes available, these procedures will change to reflect the best way for us to protect the public and ourselves.

### 223.020 GENERAL OVERVIEW

- A. ***Troopers available to assist other agencies.*** The Alaska State Troopers are available to assist all law enforcement agencies in the investigation, retrieval, and transportation of all suspected items in bioterrorism incidents. All agencies are asked to immediately notify the State Emergency Coordination Center (SECC) at 1-800-478-2337, or in Anchorage 428-7100. The SECC is located on Fort Richardson. SECC personnel will notify the Alaska State Troopers, the State Health Laboratory, and the FBI.
- B. ***Keep the public calm.*** It is important that first responders use common sense and keep the public as calm as possible. In the event of an actual release of an unknown substance, citizens will be told to stay in their residence or at their workstations until emergency units are on location. In an Anthrax exposure, it may take two to four days for the onset of acute symptoms to develop. A few minutes or even hours of remaining at the scene will not significantly change the outcome of the exposure. All reports clearly indicate Anthrax can be successfully treated.

### 223.030 RESPONSE TO INCIDENTS

- A. ***Troopers will respond to reported incident.*** The Department will vigorously pursue the criminal investigation and prosecution of any false hoax or threat. A Trooper will respond to all calls indicating a possible or actual threat of bioterrorism and evaluate the situation.
- B. ***Handle packages by level of suspicion and apparent hazard.*** Troopers dispatched to a possible biohazard incident shall evaluate the package and handle according to levels of response as defined in the following procedures.
- C. ***Protective Equipment.*** Personal Protective Equipment for most biohazards at the basic level (including Anthrax) consists of standard blood borne pathogen recommended items. The standard law enforcement BBP kits include rubber gloves, dust masks (for use against dust and fine airborne particles), and eye protection such as splash goggles.

### 223.040 PROCEDURES

- A. ***Level of response.*** Troopers dispatched to a possible biohazard incident shall evaluate the item and handle according to levels of response as defined in below.
  - 1. LEVEL ONE -- Little apparent danger or suspicion
    - a. Evaluate the letter or package using the [criteria](#) for suspicious letters or package. As a rule, if the envelope or package is not suspicious then do not take it. Talk to the complainant and explain that there is nothing suspicious about the item. Tell them that if they do not want to open the item, they can throw it away. Remember that these people have called for your assistance and are genuinely worried. Treat them professionally and with concern. If the complainant refuses to throw away the item and insists you take possession of it, explain to the complainant you will destroy the item for them. Take the item and dispose of it in your post biohazard receptacle.

## 2. LEVEL TWO -- Suspicious unopened package

- a. If the letter or package is suspicious but is unopened and there are no visible signs of leakage, seize the item. Before departing the scene identify anyone who may have had contact with the package and obtain their basic personal information. Tell everyone who may have made contact with the package to wash his or her hands thoroughly and take a shower as soon as practical. Secure the package as you would any potential biohazard and return the package to your post. Contact the epidemiology lab and discuss the package with one of the laboratory personnel. Based on your discussion lab personnel may ask you to open the package locally rather than send it to Anchorage (it may become impractical to ship every package to the laboratory without further local investigation). **NOTE:** If the package is unopened and there is no reason to believe there has been an exposure, there is no rush in opening the package. ALWAYS let common sense and good judgment rule.

## OPENING INSTRUCTIONS FOR LEVEL TWO PACKAGES

- i. Isolate and secure the package using appropriate PPE (Personal Protective Equipment) dust mask, eye protection, and gloves.
- ii. Transport the package to an area that is not subject to contamination and out of public view.
- iii. Open the package to determine if anything truly seems suspicious.
- iv. If you have reason to believe the contents are biohazard then proceed as indicated in LEVEL THREE.
- v. If the contents are not suspicious, return the contents to the complainant.

## 3. LEVEL THREE -- Suspicious package with apparent scene contamination

- a. If the letter or package has been opened and there are visible signs of an unknown substance, you will treat your initial response in the same manner as you would to any major crime scene. Once on scene if possible, you will avoid entering the contaminated area. Once the extent of the problem is known, contact your immediate supervisor and your local hazardous materials response team for assistance. It is imperative that you keep the scene contained and the complainant calm while waiting for assistance.
- B. *If exposed, remain calm.*** In an Anthrax exposure, it may take two to four days for the onset of acute symptoms to develop. A few minutes or even hours of remaining at the scene will not significantly change the outcome of the exposure. All reports clearly indicate Anthrax can be successfully treated. In case of an on scene exposure where you are exposed along with the complainant, notify your immediate supervisor and secure the scene. Keep a calm and professional bearing. Let the citizens who are with you know that help is on the way and it is imperative they stay on location with you to receive treatment and reduce further spread of any potential hazard.
- C. *Establish scene security.*** If a major crime scene were to be contaminated with a biological agent it would be sealed and controlled by the assigned investigative personnel. The state health lab personnel would recommend how to best decontaminate the scene and likely recommend commercial hazardous material remediation companies. It would be the responsibility of the property owners, not law enforcement, to have the scene cleaned. Once decontamination has occurred state lab personnel will again need to evaluate the scene to determine it has satisfactorily been cleaned. It would then be their responsibility of the assigned investigative personnel to release the scene to the rightful owners.
- D. *Decontamination of persons and surfaces.*** For personal decontamination immediately wash your hands with soap and water and take a shower as soon as practical. Gloves, disposable masks, and clothing permeated with dust or other materials should be treated as a biohazard and handled appropriately. A cleaning solution made from household bleach (such as Clorox) diluted with water using a 1:10 dilution of bleach to water will completely decontaminate any surface residue for a full 30 minutes. Remember to rinse off the bleach solution to avoid its caustic effects.
- E. *Handling and packaging biohazard items.*** The following are guidelines for the handling and packaging of items contaminated with biological agents:
1. The trooper shall be wearing biohazard gloves, some type of respiratory protection (if necessary, a respirator can be fashioned out of a shirtsleeve by wetting it down and wrapping it around your nose and mouth), and eye protection before handling the item. Place the letter or item inside a clear plastic evidence bag and seal the

entire opening with tape. Place the bagged item inside of another clear plastic evidence bag and seal the entire opening with tape, then a third bag (triple bagging) and secure with evidence tape. **Do not use staples or any other type of fastening device to seal the openings.** Once the item is properly sealed, place a biohazard sticker on it.

2. Remove gloves and throw away in an approved biohazard receptacle. If you have used a common dust mask, throw it away along with your gloves. If you have used a reusable mask, follow the manufacturer's recommended decontamination procedures. **Wash your hands with soap and water.**
3. Initiate shipping procedures as indicated by the state laboratory personnel.
4. Include with the shipment the completed DPS Anthrax Notification document and the appropriate evidence forms.

**F. *General anthrax letter guidelines.*** Things to keep in mind when handling a suspected anthrax letter incident:

1. Make all proper notifications, i.e., Dispatch, Supervisor, and Commander. If possible, use telephone communication rather than radio communication.
2. Have the facility shut down or, at minimum, control the air circulation system. Dry Anthrax spores will float and move along with any air current. As with any particulate matter, it will settle to the ground when not disturbed.
3. Intact skin provides an excellent barrier for most biological agents. However, mucous membranes, damaged skin, or open wounds constitute potential breaches of this barrier. It is recommended that exposed individuals decontaminate by washing with soap and water. Be careful not to place any contaminated articles near your mouth or nose.
4. Dried bacterial agents (i.e., Anthrax) tend to be amber to brown in color. However, another color does not necessarily mean that the substance is harmless.
5. Isolate and secure letter. The doors and windows should be closed to prevent the release of any airborne contaminants.
6. Identify exposed individuals. Every effort should be made to keep exposed individuals on location. A few additional minutes at the scene will not significantly change the outcome.
7. Remind personnel that this is now a crime scene.
8. Call for the appropriate response personnel to assist you with the scene management. Advise response agencies to avoid using radio communications in order that they do not broadcast incident information that can be picked up by individuals using scanners.
9. Remember the real problem facing the responding agency and the surrounding public may be the panic, misinformation and paranoia associated with the incident.

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## CHAPTER 224 WARRANT PROCEDURES

Chapter Revised 01/01/2012

### 224.010 APPLICABILITY OF CHAPTER

This chapter applies to the administration and service of warrants ordering the arrest or seizure of persons. These include arrest warrants, parole warrants, bench warrants, "traffic" warrants, Governor's warrants, and other similar orders. Not covered by this section are search warrants or similar orders.

### 224.020 ACTIONS UPON SERVICE OF WARRANT BY OFFICER

- A. **Notice to agency holding warrant required.** After a person is arrested on a warrant it is the responsibility of the arresting officer to insure notification is made to the agency responsible for entering the warrant into APSIN / NCIC. This notification should be made by APSIN message and/or NCIC transaction. A printed record of the transmissions should be retained.
- B. **Return of warrant to court required.** After service of a warrant issued by an Alaska court the officer must insure that a return of service is made to the arraigning court. If the warrant was issued by the local court the original warrant should be returned to that court. If the original warrant is held by an agency out of the local area, the officer should return a copy or facsimile of the warrant to the local court. (It is the court's responsibility to transfer the returned warrant and court files between involved courts.)

### 224.030 ADMINISTRATIVE CONTROL OF WARRANTS

- A. **Dispatch/Records Supervisor responsible for control of warrants.** The Dispatch/Records Supervisor is responsible for the accurate control of all warrants held by the Department. This responsibility extends to the filing, audit, and return of these warrants under control of the Department.
- B. **Filing of warrants.** Dispatch will maintain a manual or computerized accounting system which can produce an alphabetical listing of warrants. They will also maintain a warrant file containing the original warrant and any extradition authorization sheet or worksheet describing service efforts.
- C. **Original warrants to remain in secure location.** Original warrants should not leave the office where they are kept except to be returned to the court. Working copies should be utilized for review or service in the field.
- D. **Served warrants to be immediately removed from APSIN and NCIC.** When a warrant held by the Department is served by a member, or notification is received that the warrant has been served in another Alaska jurisdiction, any APSIN and NCIC entries for that specific warrant must be immediately removed. An electronic message (email or TWIX) will be immediately sent to the agency holding the original warrant, listing the warrant number, whom it was served by, the date, time, and location of service. When a wanted person is arrested outside the State of Alaska as a "fugitive from justice" based upon an Alaska warrant, the Alaska warrant may be removed from NCIC by the originating agency when the agency which entered the warrant record is officially advised that the wanted person is in the custody of the outside agency. Upon the wanted person's return to Alaska the APSIN warrant entry shall be cleared.
- E. **Monthly warrant audit required.** A monthly audit of outstanding warrants entered in APSIN is required. On the last day of each month, a printout showing all warrants entered in APSIN by SPD is prepared and distributed by the State DPS. Each month the outstanding warrant printout must be compared to the original warrant file to assure that an original warrant is present for every warrant entry in APSIN. If warrant entries are discovered for which there is no original warrant on hand the entry must be immediately removed from APSIN/NCIC. Similarly, if original warrants are discovered without APSIN entries then such entries should be created. Upon reconciliation of the outstanding warrant printout with the warrant files, the validation statement should be completed and returned to the APSIN Security Officer.

**224.040 ACCEPTING BAIL FOR FELONY, MISDEMEANOR, AND TRAFFIC WARRANTS.**

Because the Sitka Police Department operates a community jail, accepting bail for various class warrants is occasionally required after hours. When those times occur, cash is the only form of bail acceptable. Any cash in excess of \$500 will be placed in the evidence room drop box. A proper receipt will always be issued to the person providing the bail.

**224.050 UNLAWFUL FLIGHT TO AVOID PROSECUTION WARRANT**

When a wanted person with an outstanding warrant is most likely not in Alaska but whose location is unknown, a federal Unlawful Flight To Avoid Prosecution Warrant (UFAP) may be obtained from the local FBI through the local District Attorney's Office.

**224.060 ARREST OF FUGITIVES FROM OTHER STATES**

- A. *Arrest of fugitives from other states.*** A fugitive from another state can be arrested and held by this state when either a Fugitive From Justice or Governor's Warrant is issued by this state; however, if an outside agency contacts SPD and advises that the fugitive is wanted on a serious felony charge and the matter is timely, the person can be taken into custody prior to securing a Fugitive From Justice Warrant from the District Attorney. [Ref. AS 12.70.130]

It is mandatory for the out-of-state requesting agency to provide enough information for the fugitive complaint to be drawn up by either the District Attorney or SPD. They must also immediately forward certified copies of their warrant and complaint, or indictment, photographs, and fingerprints to the DPS Judicial Services office handling the case.

- B. *Arrests based upon NCIC "hits."*** When a "hit" is made on an NCIC check, NCIC will provide the suspect's name, sex, race, place of birth, DOB, weight, height, hair and eye color, social security number, miscellaneous identification numbers, and the name of the originating agency, department, division, city, and state issuing the warrant. If after reviewing this information, the officer believes that this is a valid hit on the person he was checking, the following procedures should be followed:

1. Contact the originating/wanting agency and determine the current status of the warrant, and if extradition authorized from Alaska. The officer may not hold an individual while the officer checks on extradition. Extradition status is needed immediately.
2. If the warrant is current and extradition is confirmed, and probable cause exists as to the identity of the suspect, the person may be arrested and incarcerated as a "Fugitive From Justice." Fugitive arrests are handled like any other warrant arrest. The subject is taken directly to jail, an ATN is assigned, and the remand is completed with the NCIC "NIC/W" number and bail amount as set by the original court.

- C. *Information required if extradition is authorized.*** If extradition from Alaska is authorized by the originating/wanting agency the following information should be obtained:

1. warrant number, date, charge, bail, and classification (misdemeanor or felony);
2. any miscellaneous information, e.g., dangerous, escape risk, etc.;
3. originating/wanting agency's extradition instructions; and
4. Name and rank/position of person contacted. (Required for filing the fugitive complaint.)

- D. *Documentation required from originating/wanting agency.*** Once an out-of-state fugitive has been identified, whether they are in custody or free pending completion of a Fugitive from Justice Complaint, advise the originating/wanting agency to immediately send a certified copy of the warrant, complaint, photograph(s), fingerprints, and written confirmation that they will extradite.

- E. *Preparation of Fugitive From Justice Complaint.*** No person will be arrested and held only on the basis of an NCIC "hit", certified copy of a warrant, complaint, or indictment from another state. When a fugitive has been arrested based upon any of these documents the documentation should be provided to the local District Attorney who will prepare a Fugitive From Justice Complaint and Warrant. (If a District Attorney is unavailable, the member must complete the Fugitive From Justice Warrant/Complaint.)

The arresting officer is to ensure that a Fugitive from Justice Complaint is filed with the nearest court. (See sample complaint at the end of this chapter.)

In the probable cause paragraph of the Fugitive From Justice Complaint, note by what means the defendant was identified by the officer; e.g., driver's license photograph, name, defendant's statement, social security number, physical description, police photograph, or fingerprints.

The last paragraph of the complaint should be: "This complaint and the arrest warrant issued in conjunction with it are filed seeking commitment of the accused to custody for a time that will enable the arrest of the accused to be made under a warrant of the Governor of the State of Alaska. Except as provisions of AS 12.70.160 may apply, the commitment sought shall be for no more than 30 days."

- F. *Documentation to be forwarded to District Attorney's Office.*** The arresting officer will forward a copy of the complaint, police report, and all computer messages to the DAO that will be handling the extradition.
- G. *DAO to maintain extradition file.*** The DAO office handling the extradition of a fugitive from Alaska will maintain a file of all documentation related to the proceedings. A Department member should attend each hearing on the extradition and should get a copy of the Fugitive From Justice Temporary Order or the Waiver, if applicable, and any other documents as appropriate.
- H. *Extradition documents prepared by Attorney General.*** Generally, the Attorney General will prepare the Governor's Warrant, the Return to Governor's Warrant, and the Issuance of Governor's Warrant of Arrest; will obtain the Governor's signature and seal of office on the warrant; and route the completed documents to DPS JS or the DAO for service.
- I. *Service of Governor's Warrant at arraignment.*** If DPS JS or DAO requests service by an SPD officer an original and a copy (both with a blue cover) of the Governor's Warrant of Arrest and the Certificate of Delivery of the Fugitive to Agent of the Demanding State should be received from the Attorney General and taken to court by the officer at the time of set for arraignment on the Governor's Warrant. At the arraignment the following dispositions should be made:
1. the original Governor's Warrant (with a blue cover) is given to the court;
  2. the blue bound copy of the Governor's Warrant should be signed by the Judge and retained by SPD; and
  3. a copy of the Governor's Warrant should be served upon the defendant.
- J. *Completion of Certificate of Delivery.*** When the requesting agency arrives to pick up the fugitive, an SPD officer should complete and sign the upper portion of the Certificate of Delivery attached to the blue bound copy of the Governor's Warrant retained at arraignment, and the out-of-state officer should complete and sign the bottom portion. A copy of the Governor's Warrant and the Certificate of Delivery should be given to the agent of the demanding state.
- K. *Return of Governor's Warrant.*** After pick up of the fugitive by the out-of-state agency the blue bound copy of the Governor's Warrant of Arrest and the completed Certificate of Delivery should be returned to the local District Attorney's office.

## 224.070 ATTACHMENTS

- A. Sample Fugitive From Justice Complaint**

**IN THE DISTRICT COURT OF THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT, SITKA ALASKA**

STATE OF ALASKA )  
PLAINTIFF, )  
VS. )  
JACK WATTS DODGE )  
AKA: )  
DOB: 04-13-18 )  
SSN: 535-07-6059 )  
ATN: 123456789 )  
DEFENDANT. )

COURT NO. \_\_\_\_\_ CR  
  
AS 12.70.120  
FUGITIVE FROM JUSTICE  
CRIMINAL COMPLAINT

COMPLAINANT, SERGEANT R.D. HOTROCK, SITKA POLICE DEPARTMENT, PERSONALLY APPEARING BEFORE ME AND BEING DULY SWORN, STATES THAT ON OR ABOUT THE 27TH, DAY OF MARCH, 1995, AT OR NEAR SITKA, IN THE FIRST JUDICIAL DISTRICT, STATE OF ALASKA, HENRY JAMES HARTSHORN, IS CHARGED ON NCIC WARRANT # W987654321 WASHINGTON WARRANT # 85-1-00345-0 IN KITSAP COUNTY, PORT ORCHARD, WASHINGTON, WITH THE CRIME OF PROBATION VIOLATION - ORIGINAL CHARGE INDECENT LIBERTIES. BAIL: \$15000, THAT HE HAS FLED FROM THE JUSTICE OF THE STATE OF WASHINGTON AND IS PRESENTLY RESIDING WITHIN THE STATE OF ALASKA.

ALL OF WHICH IS CONTRARY TO AND IN VIOLATION OF AS 12.70.120 AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALASKA.

THIS COMPLAINT IS BASED UPON THE NCIC PRINTOUT, WASHINGTON WARRANT WHICH SHOWS THAT HENRY JAMES HARTSHORN IS WANTED FOR PROBATION VIOLATION - ORIGINAL CHARGE INDECENT LIBERTIES BY THE STATE OF WASHINGTON. FURTHER BASED ON THE ARREST OF HENRY JAMES HARTSHORN BY SERGEANT HOTROCK MARCH 27, 1995, FOR FUGITIVE FROM JUSTICE (WASHINGTON WARRANT). HENRY JAMES HARTSHORN WAS IDENTIFIED BY NAME, DATE OF BIRTH, SOCIAL SECURITY NUMBER, PHYSICAL DESCRIPTION, PHOTOGRAPH, FINGERPRINTS, WHICH WERE FURNISHED BY THE KITSAP COUNTY SHERIFF'S OFFICE.

MARCH 27, 1995, SERGEANT HOTROCK TELEPHONED DEPUTY TOM LOTT - WARRANT FUGITIVE UNIT, KITSAP COUNTY SHERIFF'S OFFICE, WHO STATED THE WARRANT WAS OUTSTANDING AND THE STATE OF WASHINGTON WOULD EXTRADITE HENRY JAMES HARTSHORN BACK TO THE STATE OF WASHINGTON.

THIS COMPLAINT AND/OR THE ARREST WARRANT ISSUED IN CONJUNCTION WITH IT ARE FILED SEEKING COMMITMENT OF THE ACCUSED TO CUSTODY FOR A TIME AS WILL ENABLE THE ARREST OF THE ACCUSED TO BE MADE UNDER A WARRANT OF THE GOVERNOR OF THE STATE OF ALASKA. EXCEPT AS PROVISIONS OF AS 12.70.160 MAY APPLY. THE COMMITMENT SOUGHT SHALL BE FOR NO MORE THAN THIRTY (30) DAYS.

\_\_\_\_\_  
SWORN TO AND SUBSCRIBED BEFORE ME THIS \_\_ DAY OF \_\_\_\_, 19\_\_.

\_\_\_\_\_  
DISTRICT/SUPERIOR COURT JUDGE

**CHAPTER 225**  
**SERVICE OF CIVIL AND CRIMINAL PROCESS**  
Chapter Revised 01/01/2012

**225.010 PROCEDURAL GUIDE FOR THE SERVICE OF PROCESS**

This chapter is a supplement to the four volume set of procedural guides for the service of process which are available from Alaska Department of Public Safety Judicial Services: Volume 1, Process Forms; Volume 2, Procedural Guide for the Service of Process; Volume 3, Process Forms for Services by Police; and Volume 4, Civil and Criminal Process Served by Police. The guides should be read in conjunction with this OPM Chapter and used for information pertaining to receipt of process, fees, tracking, preparation of paperwork, service, and return of the process.

**225.020 SERVICE OF WRIT AND RETURN PROCEDURES**

- A. *Service of original documents.*** Prior to service, separate the service documents as outlined in the procedural guides. As a general rule, do not serve an original document with a court seal. The procedural guides have specific information about different types of documents and their service.
- B. *Return of service documents.*** After service, or attempted service, complete the proper return of service and route process as outlined in the procedural guides or as directed by the office that requested service.

**225.030 ASSISTANCE TO CIVILIAN PROCESS SERVERS**

Civil Rule 4(c)(3) of the Alaska Rules of Court states a civilian process server must secure a peace officer's assistance when physical resistance or obstruction of service may occur. If Department personnel determine such assistance is warranted, the person requesting service must consent to service by the Department before it will be accepted. The process and all required service fees must be turned over to the Department.

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**CHAPTER 226**  
**TSUNAMI EVACUATION**  
Chapter Revised 01/01/2012

**226.010 INTRODUCTION**

This Chapter establishes an evacuation plan for response to a tsunami warning. The policy provides for a general call out; establishment of an Emergency Operations Center (EOC); immediate transport or release of prisoners; traffic control; and security patrol.

**226.020 PRIORITY OF ACTIONS**

When alerted of an approaching tsunami the priority of actions by the Department will be:

- A. **NOTIFICATION** – Alert department members. [See OPM 226.030]
- B. **EOC** - Establish EOC and transfer control to the safe location. [See OPM 226.040]
- C. **PRISONER SAFETY** – Transport or release prisoners held in the jail. [See OPM 226.050].
- D. **TRAFFIC CONTROL** – Assign officers to control traffic at intersections according to the established prioritization scheme. [See OPM 226.060]
- E. **SECURITY PATROL** – Provide security to the core area during the evacuation. [See OPM 226.070]

**226.030 NOTIFICATION OF PERSONNEL**

- A. **Immediate notifications.** Upon becoming aware of a tsunami warning the on-duty dispatcher will immediately notify:
  - 1. Dispatch Supervisor
  - 2. Jail Supervisor
  - 3. Patrol Shift Supervisor
  - 4. Chief of Police
  - 5. Harbormaster
  - 6. AST Academy Commander
- B. **Dispatch Personnel and Jail Officers.** All dispatch personnel and Jail Officers will be called out and directed to report to the EOC. If no jail officer is on duty, the first two jail officers notified will be directed to report to the jail and assist in the evacuation of prisoners, if necessary. Off-duty dispatchers or Jail Officers who become aware of a tsunami warning may report without waiting for a call-out.
- C. **Sworn Personnel.** Dispatch will contact all on-duty sworn personnel followed by off-duty officers and will provide them with initial assignments at the time of notification. Officers should respond in uniform if time permits. On-duty detectives may respond to their assignments in police raid jackets.

Officers learning of a tsunami warning may respond without waiting for notification, but should contact dispatch by radio for assignment.

As sworn units respond, dispatch will keep a record of:

- 1. Whether the officer is uniformed;
- 2. Whether equipped with a radio; and,
- 3. Department vehicle number or personal vehicle

Officers should be equipped with radios, flashlight cones, and traffic vests if available.

Off-duty officers responding should use available patrol cars. In the event that department vehicles are unavailable, use of personal vehicles to respond to assigned locations is permissible.

**D. *Traffic Officer/Multi-Services Officer.*** The traffic officer/multi-services officer should be notified and respond. The traffic officer should assume duties in the following priority:

1. Assisting dispatch as required;
2. Traffic control; or,
3. Roving patrol / public assistance.

#### **226.040 ESTABLISH EMERGENCY OPERATIONS CENTER (EOC)**

**A. *Location of EOC.***

1. Preferred EOC location – **Keet Goshi Heen Elementary School.**

Keet Goshi Heen Elementary is the primary location for EOC outside of the Department. Entrance must be made through the Administrative Offices entrance. Key is #8 in the master key system file.

**B. *Supervision of EOC.***

1. Overall supervision – The on-duty shift supervisor will assume overall command of the EOC and will coordinate all assignments. If the shift sergeant is off duty they will be immediately recalled to the EOC. If the shift sergeant cannot be located the next scheduled shift sergeant will assume command of the EOC.
2. Dispatch personnel – The dispatch supervisor will be called out and will supervise all dispatch personnel and operations at the EOC.

#### **226.050 PRISONER SAFETY**

**A. *Supervision of jail evacuation.*** If on-duty, the jail officer will be responsible for transport and disposition of prisoners evacuated. If no jail officer is available, the Support Services Lieutenant will be notified.

**B. *Transportation of prisoners.*** Prisoners remaining in custody will be transported to the designated holding area adjacent to the EOC. The following guidelines should be used when time permits. Deviations are permissible if required to complete an evacuation prior to the arrival of a tsunami.

1. All Prisoners – Transporting officers shall handcuff prisoners and shall not transport more than 3 prisoners in each patrol car. (Extra handcuffs and other restraints can be located in the jail “Restraints” cupboard.)
2. High Risk Prisoners – Prisoners considered violent or a flight risk will be transported in additional restraints, and as needed, with additional officers.
3. Juveniles and Female Prisoners – Juveniles and female prisoners will be transported in separate vehicles and kept separated in the holding area. This may require additional officers to maintain control and segregation of prisoner groups.

**C. *Supervision of prisoners at the holding area.*** Once prisoners arrive at the holding area they will be supervised by an officer at all times.

#### **226.060 TRAFFIC CONTROL**

In order of priority, the following traffic control assignments should be covered as personnel become available:

1. LAKE and PETERSON – Direct traffic to the parking lots.
2. SMCR and LAKE – Direct traffic in all directions with priority given to high school or high ground.

3. HPR and PETERSON – Direct traffic in all directions with priority given to high school or high ground.
4. LAKE and LINCOLN – Direct traffic in all directions, priority to northbound. Keep bridge clear if possible.
5. HPR and KASHEVAROFF – Direct traffic in all directions, priority to Keet Goshi Heen and high ground.
6. SITKA HIGH SCHOOL PARKING LOT – Direct traffic to parking lots to minimize confusion and maximize capacity.
7. KEET GOSHI HEEN SCHOOL PARKING LOT – Direct traffic to school parking lot and/or to ball field parking.
8. DEGROFF and MONASTERY STREETS – Direct all traffic North on Monastery. (DO NOT allow traffic on DeGroff to Lake Street.)
9. LAKE and VERSTOVIA – Assist traffic flow to the Sitka High School parking lots.

### **226.070 SECURITY PATROLS**

Once other priority assignments have been taken care of security patrols should be assigned with the following priority:

1. Downtown;
2. Downtown (second unit);
3. HPR area; and,
4. SMCR area.

### **226.080 USE OF VOLUNTEERS**

Volunteers may be used to assist in traffic control. It is preferable that civilian volunteers be used in parking areas, rather than at intersections.

If uniformed volunteers (AST, State Parks, National Parks, National Guard, etc.) are available they may be utilized for security patrol assignments. Non-uniformed volunteers should not be used for security.

### **226.090 PERSONNEL SAFETY**

Officers and volunteers assigned to low lying areas will evacuate to the nearest safe high ground approximately 10 minutes prior to the estimated time of arrival of the tsunami.

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## **CHAPTER 301 DISPATCH CENTER**

Chapter Revised 01/01/2012

### **301.010 INTRODUCTION**

The purpose of this policy is to establish procedures for the Sitka Police Department's Dispatch Center.

### **301.020 POLICY**

- A.** Personnel assigned to the Sitka Police Department's Dispatch Center shall at all times provide a courteous, timely, and efficient response to all persons that call for assistance, while simultaneously providing for, to the maximum extent possible, the safety of the police officers.
- B.** The Dispatch Center shall be staffed and operated on a twenty-four hour basis to provide continuous two way radio communications and support services to all Sitka police officers. Shift assignments, days off, and suitability to a specific assignment, are recognized as having a distinct effect on the operations of the Dispatch Center. The Chief of Police or his/her designee may circumvent any or all portions of this policy, temporarily or permanently, by making staffing adjustments as needed in order to further the department's mission, maintain adequate personnel levels, and ensure a high quality of service.
- C.** The Dispatch Center is equipped with a Next Generation 9-1-1 Emergency Telephone System, providing callers with toll free access to police and fire services. The telephone system has a built in TDD/TTY capability and automatically recognizes a call coming in from a TDD/TTY caller. Dispatch Center personnel shall be available to respond to telephone calls of both an emergency and non-emergency nature on a twenty-four hour basis.
- D.** In order to minimize as much as possible the chances of a caller receiving a busy signal when calling the Department's 9-1-1 System, four (4) incoming telephone lines are dedicated to the 9-1-1 System. The Dispatch Center is also equipped with six (6) incoming "non-emergency" or administrative lines.
- E.** Radio communications, whether voice, wireless data, or a combination voice and data, is the primary method used by the Dispatch Center to relay information to Sitka Police Department units, Sitka Fire Department units, and to other emergency personnel. Sitka Police Department officers will be issued a portable radio and shall carry this radio at all times while on duty. Telecommunicators will have headsets available to use during the course of their duties. Personnel shall utilize only the radio communications equipment issued to them by the Sitka Police Department, unless authorized by the Chief of Police or his designee, and shall, at all times, operate City of Sitka communications equipment in accordance with the procedures and regulations established by the Federal Communications Commission (FCC).
- F.** Only those radios equipped with an automatic identification system which automatically identifies the unit number of the radio to Dispatch Center personnel will be allowed to operate on the Sitka Police Department's communications system. Any agency outside the Sitka Police Department or Sitka Fire Department desiring to equip their radios with Sitka frequencies must first obtain the approval of the Chief of Police if access to police frequencies is desired, and the Fire Chief if access to fire frequencies is desired.
- G.** The Department will utilize digitized communications that have the capability of encrypting sensitive communications. This type of encryption can enhance the safety and success of officers by reducing the opportunity for persons to take advantage of emergency situations.

### **301.030 PROCEDURE**

- A.** The basic function of the Dispatch Center is to receive, screen, and prioritize calls for police services and subsequently dispatch the appropriate response units in an efficient and coordinated manner.

- B.** When receiving information, the Dispatch Center uses the Computer Aided Dispatch (CAD) system to record the following minimum information:
1. Call for Service Number (CFS): This machine generated number is automatically designated by the CAD system at the time the call for service is entered into the system. Dispatch Center personnel do not assign the CFS number. All Department CFS numbers will use the following scheme: The first two numbers designate the year in which the call was received. The remaining numbers denote the actual sequential number assigned. (For example: CFS number 01004567 indicates that this call is number 4567 received in the year 2001) This feature ensures that each call for service has its own unique case number assigned.
  2. Received Date and Time for the Call for Service: These entries are automatically designated by the CAD system and are not assigned by Dispatch Center personnel.
  3. Name and address of the complainant, if possible.
  4. Type of incident (call type) being reported.
  5. Location of incident being reported.
  6. Identification of units assigned as primary and backup units.
  7. The time the unit(s) was dispatched. This time is machine generated and is not controlled by Dispatch Center personnel.
  8. The time of the unit's arrival. This time is machine generated and is not controlled by Dispatch Center personnel.
  9. The time the unit returned to service. This time is machine generated and is not controlled by Dispatch Center personnel.
  10. Disposition of dispatched incident as reported by the responding officer.
- C.** Dispatch Center personnel shall obtain as much information as possible when receiving a call for service. The amount of information required will depend on the nature of the call and the status of the reporting/requesting party. Particular attention must be devoted to issues that involve the safety of police officers that may be dispatched on the call.
- D.** Police personnel shall reply promptly by giving their unit identifier and location when called by radio by the Dispatch Center personnel, by another unit, or by a supervisor.
- E.** When conducting a vehicle stop, officers shall provide the Dispatch Center with the following information:
1. Vehicle license number and state of origin, if any, that is being displayed on the vehicle;
  2. A full description of the vehicle being stopped to include make, color and type;
  3. The number of the occupants, if possible;
  4. Location of the traffic stop; and
  5. Any other appropriate information pertaining to the location, the vehicle, or the subject(s) in the vehicle.
- F.** When contacting suspects or suspicious persons, officers shall provide the Dispatch Center with the following information:
1. Location;
  2. Description of person(s); and
  3. Reason for contact (if known).

- G.** Police shall advise the Dispatch Center, by either voice or electronic message, of their status in the following situations, if applicable:
  - 1. When beginning their shift;
  - 2. When going off-duty;
  - 3. Upon arrival at calls for service;
  - 4. Upon clearing calls for service;
  - 5. When engaging in any activity that will affect the unit's availability to handle calls for service; and
  - 6. When making an arrest and transporting prisoners.
- H.** When an emergency situation has been declared by the Dispatch Center; all officers and Telecommunicators will cease further radio transmissions (except for other emergency traffic) on the primary SPD communications channel until the emergency has been stabilized. All officers must restrict their radio traffic to reduce channel congestion and allow for instantaneous access to the channel by the involved officers, if needed. No voice radio traffic, such as the routine checking of license plates or warrants, is to be conducted during the emergency situation.
- I.** Radio identification call numbers (alpha numbers) shall be assigned to each Department personnel and will be used to designate that individual in radio communication. All vehicles shall also be assigned a number by which they will be identified.
- J.** Dispatch Center personnel shall identify any outside agency personnel utilizing the Sitka Police Department frequency by their given unit identifier.
- K.** Dispatch Center personnel should dispatch no less than two police units on the following types of calls for service:
  - 1. All felony crimes involving violence against a person or crimes against property which are reported to be in progress;
  - 2. Any disturbance or fight in progress;
  - 3. Domestic disturbances (in progress or when all parties are present);
  - 5. Person armed with any type of weapon;
  - 6. Hold-up or panic alarms at residences or businesses;
  - 7. Traffic accidents at busy intersections or during periods of large amounts of traffic; and
  - 8. Any other type of calls for service in which Dispatch Center personnel have additional information that indicates more than one unit may be needed.

In any case, the first officer to arrive on the scene may cancel back-up units at the point that they determine the additional assistance will not be needed.

- L.** Generally, Dispatch Center personnel will dispatch single units on all other types of calls for police service unless requested otherwise by responding officers. Officers should briefly inform the Dispatch Center personnel as to the reason additional units might be needed.
- M.** In order to assume command, a patrol supervisor shall be notified to respond to the scene of any of the following incidents:
  - 1. Bomb threat;

2. Fire involving street closure or traffic control by multiple officers;
  3. Officer involved in a shooting or discharge of his/her firearm;
  4. Officer involved in a traffic accident;
  5. Any major investigative scene;
  6. Events involving multiple injuries or deaths or large scale property damage;
  7. Tactical Situations;
  8. Officers requesting a supervisor;
  9. Missing children under the age of ten or any adult whom is mentally ill or mentally incompetent and severe weather conditions or other life threatening circumstances exist requiring immediate search procedures.
  10. Any other situation in which it is felt that a supervisor's presence may be needed.
- N.** In the event of a tactical or special operation, the supervisor in charge shall inform the Dispatch Center of the nature of the event. A radio channel will then be designated and shall only be utilized by those involved in the operation until its completion. A designated Telecommunicator, if manpower allows, shall be assigned by the Dispatch Center Supervisor or the Operation Supervisor, if after hours, to monitor traffic on this channel for the duration of the event.
- O.** The Dispatch Center shall have immediate access to the following Department resources or comparable equivalents:
1. Officer in Charge -- The Dispatch Center shall have the capability of establishing immediate contact with the highest ranking on-duty commander. This contact may be established by, but is not limited to telephone, cellular telephone, pager, by radio, or in person.
  2. Dispatch Supervisor -- The Dispatch Center shall have immediate contact with the Dispatch Supervisor during normal business hours. This contact may be established by, but is not limited to telephone, cellular telephone, pager, by radio, or in person. After normal business hours, Dispatch Center personnel remain under the supervision of the Dispatch Center Supervisor but for informational purposes will have contact with the highest ranking on duty officer and will have the capability of immediate contact with this officer in any manner as previously described.
  3. Duty Roster of All Personnel -- All division commanders are to ensure that all daily duty rosters are forwarded to the Dispatch Center prior to the start of the shift.
  4. Residential Telephone Numbers of Every Member -- All members of the Sitka Police Department must provide to the Chief's office their current telephone number and address. This roster will be updated as needed and forwarded to the Dispatch Center.
  5. Visual Maps Detailing the Sitka Police Department's Coverage Area -- Maps will be posted in the Dispatch Center detailing the incorporated city limits of the Sitka in which the Sitka Police Department has jurisdiction..
  6. Officer Status Indicators -- Dispatch Center personnel will have access to the current status of all available officers by utilizing the Computer Dispatch System. If so equipped, officers shall update their status using the mobile data computer.
  7. Dispatch Center personnel shall be provided with a copy of the Sitka Police Department's Policy and Procedures manual for reference purposes. In addition, Dispatch Center personnel shall have immediate access to telephone numbers for procuring emergency and necessary external services to the Department, such as other law enforcement agencies, medical personnel, animal control, utility services, etc. These telephone numbers shall include any pertinent after hours numbers for utility and wrecker services.

8. In the event of a crime in progress, Dispatch Center personnel shall obtain as much information as possible prior to dispatching the call. After dispatching the initial units to the call, Dispatch Center personnel shall notify an on-duty Patrol Division supervisor and inform him or her of the situation. The Patrol Division supervisor shall then be responsible for directing the responding units appropriately in response to the call, and determine if additional resources will be needed. The supervisor should coordinate his or her actions with the Dispatch Center.
  9. Dispatch Center personnel shall have immediate access to multi-casualty plans in the Sitka Emergency Operations Plan. It shall be the responsibility of the Telecommunicator to dispatch the appropriate amount of units according to the call type of the incident and then wait for further instructions from the Incident Command Supervisor. If the Incident Command Supervisor requests additional units or support, the Telecommunicator shall make the appropriate notifications.
- P.** Telecommunicators shall ensure that work areas are kept neat and organized at all times. All documents and materials should be filed appropriately. Those which are no longer needed, and are of a confidential or sensitive nature, should be shredded. Confidential or sensitive materials may include, but are not limited to, the following:
1. Computer-Aided Dispatch Information.
  2. Information received via other law enforcement agency.
  3. Information received via APSIN/NCIC terminal.
  4. Other documents containing incident, victim, witness, offender, or personnel information.

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**CHAPTER 401**  
**PRE-ADMISSION SCREENING OF INMATES**  
Chapter Revised 01/01/2012

**401.010 INTRODUCTION**

All Jail Officers shall be knowledgeable of the lawful means by which an inmate can be committed and detained in the Sitka Jail Facility.

**401.020 MEANS OF INCARCERATION**

- A. General means of incarceration.** The following are the lawful means by which the on-duty Jail Officer can book and lodge an inmate in the Jail Facility.
1. Commitment Papers are a written court order committing a person to incarceration/custody.
  2. A Detainer is a warrant and/or hold on an individual in a federal, state, or local correctional facility, notifying the holding authority of another jurisdiction's intention to take custody of the inmate, when the inmate is released from the place of current incarceration.
  3. A Remand is a commitment to custody of an arrestee by means of a lawful on-view misdemeanor or felony arrest by a law enforcement officer.
  4. Title 47: Persons admitted under AS 47.30.705 or 47.37.170 (a or b). The officer must execute a remand to custody order and must certify in writing that she/he has exhausted all other alternatives for placement under AS 47.30.705 or AS 47.37.170 (a or b).
  5. A Parole/Probation Violation is a remand by a probation Officer for a violation(s) of conditions of release.
  6. All Parole violations fall under the jurisdiction of the Parole Board
  7. Probation violations fall under the jurisdiction of the Court.
- B. Order to detain an alien.** US Immigration and Customs Enforcement (ICE) Officers using these processes/orders are allowed to commit prisoners into a Department of Correction's institution and/or community jail holding facilities.
- C. Bond revocation.** Bond revocation is a process/order that is normally done by a bail bondsman. It is the bondsman's responsibility to supply the Bond Revocation documents when the person is delivered to State and/or community jail holding facility.
- D. Temporary hold.** An inmate can be held in the Sitka Jail Facility in the custody of another law enforcement agency for a predetermined amount of time. Normally these are short-term holds.

**401.030 DUTIES OF THE ON-DUTY JAIL OFFICER**

- A.** The on-duty Jail Officer shall screen all detainees to be sure the inmate can be legally detained in the Sitka Jail Facility. This determination shall be made prior to beginning the booking process.
- B.** The on-duty Jail Officer shall obtain copies of the document(s) remanding the person into the Sitka Jail Facility, and determine there is a lawful basis for the person to be incarceration.

**401.040 MEDICAL SCREENING DECISION**

- A.** The on-duty Jail Officer shall appraise the detainee's physical condition prior to starting the booking process to ensure the detainee is not in need of medical attention.

- B.** The on-duty Jail Officer shall not accept any unconscious prisoners, or prisoners with obvious serious injuries prior to the prisoner receiving medical attention treatment.
- C.** For the purpose of this section, an unconscious prisoner is one who fails to respond to voice commands and/or touch.
- D.** If questions arise in this area the shift supervisor shall make the decision regarding incarceration.
- E.** The on-duty Jail Officer shall thoroughly document the condition of the inmate in the Jail Log and on the Observation Cumulative Form.
- F.** Persons with a level of intoxication so high, they are unresponsive, have an aural (ear) temperature over 101 degrees Fahrenheit, and/or a PBT of .400, or higher shall not be admitted to the Jail Facility until they have been examined by a doctor.
- G.** The on-duty Jail Officer shall evaluate all persons brought to the Jail Facility with obvious mental problems, or with a history of attempting suicide or causing harm to themselves.
  - 1. These persons shall only be accepted if SEARHC Hospital has refused to accept or admit them.
  - 2. SEARHC Hospital will only accept voluntary mental commitments. SEARHC Hospital no longer has the facilities to hold involuntary commitments.
- H.** The on-duty Jail Officer shall not accept any persons having obvious alcohol or drug withdrawal symptoms. This is a serious medical condition that requires these persons be transported to SEARHC Hospital or Sitka Community Hospital.
  - 1. When requested the on-duty Jail Officer shall assist the arresting/transporting officer in contacting the magistrate to get the inmate temporarily released and to one of the local hospitals. Such releases will normally stipulate that the release is only for as long as the arrestee is in the hospital.
  - 2. The Sitka Police Department has an important role in preventing, deterring, and reducing family violence. The problem of domestic violence cuts across all racial, cultural, and economic lines and results in the destruction of families, damage to communities, and physical and emotional problems for victims. The Department recognizes that intentional, purposeful acts of physical abuse by one family member against another are serious criminal offenses that cannot be condoned or tolerated.

**CHAPTER 402**  
**BOOKING OF INMATES**  
Chapter Revised 01/01/2012

**402.010 INTRODUCTION**

Except as provided by this policy, no persons will be incarcerated in the Sitka Jail unless they have been properly admitted and processed. The bail schedule for the First Judicial District shall be followed and all arrestees who can be, shall be released on bail or "OR" release. The booking officer may be a Jail Officer, a Police Officer, a Sergeant, a Lieutenant, or the Traffic Officer.

**402.020 INTRODUCTION TO THE BOOKING PROCESS**

- A. Objectives of the booking process include the safety and care of the inmate, institutional security, and positive identification of the inmate in custody.
- B. Fingerprinting and photographing are best accomplished when the prisoner is first brought into the Jail Facility. If this is not possible, the person shall not be released until the booking process has been completed.
  - 1. Inmate photographs shall be placed into the file on the Jail Facility computer.
  - 2. Inmate fingerprints shall be submitted to the Department of Public Safety Automated Fingerprint Identification Section via the Live Scan Fingerprint System.
- C. The on-duty Jail Officer may in certain instances release an inmate with the understanding they will return the following day after arraignment for fingerprinting and photographing.
  - 1. The on-duty Jail Officer may do this whenever there will be a prolonged delay in releasing the inmate.
  - 2. The on-duty Jail Officer shall notify the City Attorney's or District Attorney's Office whenever they release an inmate before finger printing or photographing has been completed so the appropriate paperwork can be completed for the magistrate or judge to sign.

**402.030 INITIAL BOOKING PROCESS**

- A. **Location of forms.** All of the booking forms can be located in the File Pro Program on the Jail Facility computer. There are printed copies of the all booking forms are located in the active file drawer.
- B. **Forms to use.** When booking an inmate the on-duty Jail Officer shall complete a Booking Sheet, Medical Screening Form, Remand to Custody Form, and the Observation Cumulative Form. The on-duty Jail Officer shall complete these forms as thoroughly as they possibly can. If the on-duty Jail Officer suspected the information In the File Pro Programs is outdated they shall ask the arrestee for their current information. The oncoming Jail Officer should make an attempt to complete all booking forms, prior to the inmate being released.
  - 1. If the inmate is arrested for a crime involving domestic violence the on-duty Jail Officer shall complete a Victim Notification Form.
    - a. The on-duty Jail Officer releasing an inmate shall make every effort to notify the victim of a crime of domestic violence when the arrestee is released. The on-duty Jail Officer may ask the dispatch for assistance in notifying the victim.
    - b. The employee making the notification to the victim shall complete the Victim Notification Form.
  - 2. As part of the initial booking process the on-duty Jail Officer shall complete Suicide Assessment Questionnaire for any inmate they feel to be at risk or suicidal.
  - 3. Both the arresting Officer and the on-duty Jail Officer shall sign the bottom of the Booking Sheet and the Remand To Custody Form.

4. The on-duty Jail Officer shall fill out the Medical Screening Form as completely as possible.
  - a. The on-duty Jail Officer's observations are listed on the top portion of the Medical Screening Form. The on-duty Jail Officer shall ask and record the inmate's answers to the questions on the bottom portion of the Medical Screening Form
  - b. If the inmate is too intoxicated to answer the questions, this should be noted on the Medical Screening Form.
  - c. The Medical Screening Form is divided into two sections. The top portion of the form is for the on-duty Jail Officer's observations, and bottom portion of the form are questions the inmate needs to answer.
  - d. There is a space on the top of the Medical Screening Form for the on-duty Jail Officer asking the questions to sign and initial the form.
  - e. The inmate's answers on the Medical Screening Form will assist the Jail Officers in classification and inmate care.
5. The on-duty Jail Officer shall note any observation they make regarding the inmate during the booking process on the Observation Cumulative Form.
  - a. This could include but is not limited to the assigned cell, the inmate's attitude, why he/she is serving time, and any unusual or worrisome statements made during the booking process.
  - b. Any unusual occurrences involving the inmate during their incarceration shall be thoroughly documented on the Observation Cumulative Form and also in the Jail Log by the on-duty Jail Officer observing them.
  - c. Any other staff member making an observation of any unusual occurrence shall also note the activity in the Observation Cumulative Form and the Jail Log.
  - d. The on-duty Jail Officer will ask the inmate if there are other inmates in custody whom this inmate does not get along with. This information will be documented in the Observation Cumulative Form and Jail Log by the on-duty Jail Officer. This information will be passed onto the oncoming Jail Officers.
6. The on-duty Jail Officer will fill out the Remand To Custody Form.
  - a. The Remand To Custody Form will indicate whether or nor the inmate was arrested with or without a warrant and the charges.
  - b. The Remand To Custody Form shall be signed by both the on-duty Jail Officer and the arresting/transporting Officer.
7. The on-duty Jail Officer shall complete the Booking Log, and assign each inmate a "J"-number.
  - a. Next to the "J"-number, the on-duty Jail Officer shall enter the inmate's full name, the date and time the inmate was brought into the Jail Facility, the charge, or if the inmate is serving time.
  - b. Inmate records are tracked in the AS400 computer system by these "J"-numbers.

#### **402.040 LODGE OR RELEASE DECISION**

- A. The on-duty Jail Officer should determine from the transporting/arresting Officer whether or not the inmate will be held or released after booking. Whenever possible inmates shall be released on an "OR" Release or after posting bail.

- B.** If the inmate is to be booked and released, write "No Property Taken", in the boxes provided for the inmate's property on the inmate's Booking Sheet.
- C.** The on-duty Jail Officer, the arresting/transporting Officer, and the inmate shall sign the Booking Sheet, regardless if the inmate is released or held.
- D.** Prior to being released the prisoner should be fingerprinted and photographed. The photograph shall be taken and downloaded utilizing the Alaska Corrections Offender Management System (ACOMS) camera.
- E.** Criminal fingerprints for adults shall be taken on the Live Scan Fingerprint System.
  - 1. The criminal fingerprint cards will be electronically transmitted to the Alaska Automated Fingerprint Identification System (AAFIS) in Anchorage.
  - 2. The remaining fingerprint card will be kept in the inmate's booking file
- F.** Fingerprints of Juveniles
  - 1. The authority for fingerprinting juveniles is located in AS 47.10.097.
  - 2. Juveniles shall be fingerprinted under the same circumstances as an adult by the on-duty Jail Officer.
  - 3. The on-duty Jail Officer shall enter "Juvenile" in the "Reason Fingerprinted" box, and enter the Identification Card or Driver's License number in the miscellaneous number box.
  - 4. The on-duty Jail Officer shall follow this procedure on all juveniles charged as juveniles.
  - 5. The on-duty Jail Officer shall not enter juveniles in ACOMS.
  - 6. If the juvenile has been adjudicated as an adult for the offense charged, the on-duty Jail Officer shall roll the three sets of prints on red cards, enter them into ACOMS, and photograph them.

#### **402.050 COMBATIVE AND UNRULY PRISONERS**

- A.** If an inmate is unruly, combative, unable, or refuses to cooperate in the booking process, including photographs and fingerprinting, the inmate shall be thoroughly searched and lodged in lock down by the on-duty Jail Officer.
- B.** The on-duty Jail Officer will note the lockdown status on the status board. This information will be given to the oncoming Jail Officer.
- C.** The on-duty Jail Officer shall complete the booking process when the inmate is cooperative.
- D.** The on-duty Jail Officer shall not remove the lockdown status until the inmate cooperates and completes of the booking process.
- E.** The on-duty Jail Officer may detain an inmate until the booking process has been completed.

#### **402.060 PROPERTY AND CLOTHING INVENTORY**

- A.** The on-duty Jail Officer shall thoroughly inventory and log all of an inmate's property on the inmate's Booking Sheet.
- B.** The on-duty Jail Officer shall place cash, checks, jewelry, and small items of value into a small manila envelope(s).
  - a. When practical the on-duty Jail Officer shall list these items on the outside of the small manila envelope(s).

- b. These envelopes and other small items carried by the inmate will be placed into the yellow bag in the inmate's assigned locker by the on-duty Jail Officer.

#### 402.070 SEARCHING INMATE AT THE TIME OF BOOKING

- A. The requirement to disrobe while being observed by a Jail Officer is considered a strip search within the meaning of this section.
- B. The on-duty will not strip search non-violent, pre-trial misdemeanants as part of the booking process.
  1. If the on-duty Jail Officer feels it is necessary to strip-search an inmate they shall have articulable reason to strip search non-violent, pre-trial misdemeanants.
  2. These articulable reasons shall be thoroughly documented in the Jail Log by the on-duty Jail Officer
- C. When strip-searches are required, they will only be done by a Jail Officer of the same gender as the inmate.
  1. This may require the on-duty Jail Officer to call in a qualified female/male employee to do the search.
  2. The on-duty Jail Officer shall call in qualified female/male employees of the same gender to dress inmates for booking and/or release.

#### 402.080 PROTECTIVE CUSTODY TITLE-47 MENTAL OR ALCOHOL

- A. **Information to remain confidential.** The identity of a person taken into protective custody cannot be revealed to the public, by law. The on-duty Jail Officer shall file all records of those persons in protective custody in a confidential file folder.
- B. The on-duty Jail Officer shall fill out the Non-Criminal Booking Forms as completely as possible at the time of the booking. The on-duty Jail Officer shall obtain as much of the missing information at the time of release, and ensure the Non-Criminal Booking Forms are completed.
- C. The on-duty Jail Officer shall not fingerprint or photograph Title-47 inmates
- D. The on-duty Jail Officer shall, whenever possible, complete the Medical Screening Form to help determine the needs of the inmate.
- E. All protective custody, Non-Criminal Booking Records, are kept in the folder marked "Confidential Title 47".
  1. These files shall be scanned into the Department's document imaging system as soon as practical.
  2. The on-duty Jail Officer shall not make individual file folders for persons held in protective custody.
- F. Whenever possible the on-duty Jail Officer shall lodge Title 47 inmates in jail clothing.
  1. If a Title-47 inmate is lodged in their clothing it will be thoroughly searched by the on-duty Jail Officer prior to the Title-47 being placed into the holding cell.
  2. The on-duty Jail Officer shall remove the inmate's belt and any other items, which could be used as a weapon or for self-harm.
  3. If the of Jail Officer considers the person in protective custody to be at risk or suicidal they shall be dress in a suicide smock and be given a suicide blanket.

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**402.090 TEMPORARY HOLDING A PRISONER FOR ANOTHER AGENCY**

- A.** An inmate being held for a brief time in the Sitka Jail Facility, while remaining in the custody of another agency does not require booking. The on-duty Jail Officer will place a 3" x 5" Inmate Status Card on the Status Board and enter the name of the inmate into the Jail Log.
  
- B.** The on-duty Jail Officer shall book all inmates who are remanded to the custody of the Sitka Police Department by another law enforcement agency. These types of bookings are normally caused by the changing weather conditions in SE Alaska.

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## CHAPTER 403 INMATE SEARCHES

Chapter Revised 01/01/2012

### 403.010 INTRODUCTION

All arrested persons and persons reporting to serve time at the Sitka Jail Facility shall be searched as part of the booking process. All inmates incarcerated in the Sitka Jail Facility are subject to search at any time. This is done to maintain proper control of inmates under the jurisdiction of the Sitka Police Department, to ensure the safety of all employees, inmates, and security of the Jail Facility.

### 403.020 DEFINITIONS RELATIVE TO INMATE SEARCHES

- A. **Contraband** has the meaning ascribed to it in 22 AAC 05.660(4); this includes any item which inmates are not authorized to have in their possession while in custody in the Sitka Jail Facility, or any issued item not used in the manner for which it was intended.
- B. **Frisk Search** means a visual and physical pat-down search of an inmate without the removal of clothing.
- C. **Strip Search** means a visual search of an inmate, which requires the complete removal of all clothing.
  - 1. The removed clothing is also searched for the purpose of detecting contraband.
  - 2. A. strip search includes a visual body cavity search.
- D. **Intrusive Cavity Search** means the intrusive manual, mechanical or instrumental examination of an inmate's body appendages and openings by medical personnel.
  - 1. Intrusive cavity searches shall not be done without the approval of the on-duty sergeant or the Services Lieutenant.
  - 2. Only qualified medical personnel shall perform an Intrusive Cavity Search searches.
- E. **Probable Cause** means the level of reliability, which arises when the facts and circumstances within the Jail Officer's knowledge (including the reasonable inferences that may be drawn from the facts and circumstances), and of which the Jail Officer has reasonably trustworthy information are sufficient to warrant a reasonable person to believe that contraband is being concealed.
- F. **Restraints** mean a security device designed for, and applied, to prevent the commission of violent and/or destructive acts.
  - 1. Hard Restraints means a metal shackles such as handcuffs, leg irons, belly chains, and plastic type handcuffs.
  - 2. Soft Restraints are devices generally made of leather, nylon, canvas or plastic, such as strait- jackets, wrist and ankle straps (poesy cuffs) with or without connecting belts, spit hoods, wrist and ankle cuffs, and restraint netting.
- G. **Restraint Chair** is a plastic and metal chair designed with restraints to prevent inmates from injuring themselves or others. Normally restraint chairs will be equipped with soft restraints.

### 403.030 THE SEARCH DECISION

- A. All inmates received for booking and persons reporting to serve time at the Jail Facility shall be searched as part of the booking process by the on-duty Jail Officer. This search shall be done prior to the inmate's entry into the secure living areas of the Jail Facility.

- B.** In the context of this section, complete disrobing in view of the on-duty Jail Officer is considered a strip search.
1. Non-violent misdemeanor inmates, shall not normally be strip-searched, and shall be allowed to change into jail clothing behind the privacy screen in the booking area.
  2. The on-duty Jail Officer shall make the decision when inmates are to be strip-searched.
  3. Anytime an inmate is strip-searched the on-duty Jail Officer must be able to articulate in writing their reason(s) for conducting a strip search.
  4. These reason(s) for the strip search must be thoroughly documented in the Jail Log by the person conducting the search and the on-duty Jail Officer.
- C.** Non-violent misdemeanor inmates arrested without prior knowledge shall not be strip searched unless the booking officer can articulate in writing a reasonable basis to believe the inmate might be concealing weapons, drugs; or might be the carrier of a communicable disease. Any exceptions to this rule shall be thoroughly noted in the Jail Log by the on-duty Jail Officer.
1. All other inmates shall be strip searched prior to entering the secured living areas of the Jail Facility.
  2. It is understood that a person who knows they are going to jail to serve time has more opportunity to conceal contraband or weapons.
  3. Likewise, an inmate who has been arrested for violent crime or drugs may be more likely to be carrying weapons or contraband.
  4. The on-duty Jail Officer shall evaluate all circumstances surrounding the inmate, the charge, and present circumstances in determining if a strip search is justified.
- D.** All items of contraband or suspected evidence located and seized by the on-duty Jail Officers shall be released to arresting/transporting Officer.
1. The on-duty arresting/searching officer shall inventory all items seized from an inmate's property locker.
  2. The on-duty Jail Officer shall thoroughly document all contraband and evidence removed from an inmate's locker on the Inmate's Property Log Form in the inmate's file.
- E.** Personal property that is to be returned to the inmate at their time of release or transfer shall be stored in the inmate's assigned property locker.
- F.** The on-duty Jail Officer, who receives or releases an inmate's property, shall include a copy of all Property Add and Releases Forms in the inmate's booking file.

#### **403.040 SEARCH OF A PERSON**

- A.** No inmate or person reporting to serve time shall be allowed into the living areas of the Jail Facility until they have been thoroughly searched by the on-duty Jail Officer.
1. Arresting/transporting Officers shall thoroughly search all arrestees prior to bringing them into the Booking Area of the Jail Facility.
  2. Any weapons or contraband located on an arrestee by the on-duty Jail Officer shall be turned over to the arresting officer.
  3. The on-duty Jail Officer locating any type of weapon on an arrestee shall write a memorandum to the Services Lieutenant explaining the facts surrounding the location of the weapon.

- B.** The arrestee/inmates shall remove all items from his or her pockets and place them on the counter in the booking area. The on-duty Jail Officer shall require this to be done in an orderly manner, and under no circumstances shall inmates be allowed to throw their personal property around the booking area.
- C.** Prior to touching any personal property belonging to an inmate the on-duty Jail Officer will be wearing latex gloves.
- D.** Arrestees/inmates wearing items such as rings, watches, necklaces, earrings, body piecing items, and any other type's jewelry shall be required to remove them whenever possible.
  - 1. The on-duty Jail Officer shall place all jewelry into one of the small manila envelopes prior to placing it into the inmate's yellow property bag.
  - 2. Cash, checks, and other negotiable instruments belonging to the inmate shall also be placed into the small manila envelopes by the on-duty Jail Officer.
- E.** If the prisoner is wearing a head covering, the prisoner shall remove it and hand it to the on-duty Jail Officer for inspection.
  - 1. The on-duty Jail Officer shall thoroughly inspect all head coverings the inmate is wearing. Inmates are not allowed to keep hats and head scarfs.
  - 2. If the prisoner has long hair, the on-duty Jail Officer shall either run h/her-gloved fingers through the inmate's hair.
  - 3. The on-duty Jail Officer may ask the inmate to comb out h/her hair out in the Jail Officer presence.
- F.** The on-duty Jail Officer shall thoroughly search all clothing the inmate is wearing for contraband and/or weapons prior to placing it into the Inmate's property locker.
- G.** If the prisoner is wearing a heavy coat or bulky outer garment, the prisoner shall remove it for inspection. The on-duty Jail Officer shall thoroughly search pockets, hems, folds and the collar for contraband.
- H.** The on-duty Jail Officer shall direct the prisoner to assume the standard wall search position and complete the prescribed frisk search of body and extremities. This search shall include the removal of items such as neckties, belts, and footwear.

#### **403.050 COMBATIVE OR INCAPACATED INMATES**

- A.** The on-duty Jail Officer shall make every effort to thoroughly search all inmates in the booking area of the Jail Facility.
  - 1. Combative or incapacitated inmates shall be thoroughly searched prior to being placed into the living areas of the Jail Facility.
  - 2. If an inmate is combative they shall be stripped of their clothing down to their underwear, given a blanket, and placed into the holding or segregation cell.

#### **403.060 RESTRAINTS**

- A.** The on-duty Jail Officer may use restraints when necessary to prevent inmates from harming themselves or others. If an inmate continues to struggle or resist the restraint chair may be used by the on-duty Jail Officer.
- B.** Inmates being transported to a Department of Corrections facility shall be transported in a "belly chain".

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**CHAPTER 404**  
**INMATE PROPERTY**

Chapter Revised 01/01/2012

**404.010 INTRODUCTION**

The Sitka Jail will limit responsibility for inmate property storage to those items of clothing and personal property on the inmate at the time of arrest, and only to the extent that such property can fit in the jail storage lockers.

**404.020 ITEMS ACCEPTABLE FOR STORAGE OR SAFEKEEPING**

- A. The following items are considered as acceptable into the Jail Facility, clothing on inmates, pocket contents of inmates, and the valuables or personal property on inmate at time of arrest
- B. Property taken from an inmate will be thoroughly inventoried at the time of booking by the on-duty Jail Officer and stored in a jail inmate property locker until returned to or released by the inmate.
- C. The on-duty Jail Officer shall return to the inmate's property at time of their release. The inmate shall sign the Booking Sheet Form, which, will be the receipt of their property.

**404.030 ITEMS UNACCEPTABLE FOR STORAGE OR SAFEKEEPING**

- A. The following items will not be accepted in the Jail Facility, firearms, ammunition, knives or cutting instruments, explosives, flammable liquids, any type of tobacco products, excessive amounts of bulky personal belongings, evidence, and any forms of contraband.
- B. The inmate, with the assistance of the on-duty Jail Officer, must make arrangements to store items the jail cannot accept. This may include releasing the items to a third party.
- C. If there is to be delay beyond the on-duty Jail Officer's shift, the property evidence system will be used for safekeeping pending pickup or mailing of the property.
  - 1. A copy of the Property Report Form will be placed in the Inmate's file.
  - 2. An Inmate Property Release Form should be used to document transfer of an inmate's property to a third party.
- D. If the inmate claims to have no ways to take care of their property and fails to cooperate in disposition. The on-duty Jail Officer shall give the inmate a written notice that any property not removed from our facility within 20 days from date the form is signed will be treated as abandoned property and disposed of accordingly.
  - 1. After twenty days all of the remaining property will be disposed of at public auction or destroyed if the property has no auction value.

**404.040 ITEMS ALLOWED IN JAIL CELLS**

- A. Inmates may have items issued to them by any Jail Officer.
- B. Inmates may have eyeglasses, contacts, and contact containers in their cells.

- C. They may also have writing paper, envelopes, pencils, but no ink or ball point pens.
- D. The on-duty Jail Officer will provide the inmates with personal hygiene items, playing cards, games, books and magazines.
- E. Inmates will be allowed to have non-perishable food items, but only until lockdown. All food items are to be removed from prior to evening lockdown (2300 hours).
- F. The on-duty Jail Officer may approve other items such as schoolbooks, counseling pamphlets or religious materials. If these items are allowed into the cells they will be noted on the inmate's card on the Status Board and on the inmate's OBSCUM Form.
- G. Inmates can have books and magazines delivered to them but they be delivered by one of the book/magazine local retailer.

#### **404.050 ITEMS PROHIBITED IN JAIL CELL**

- A. Any item not issued or authorized by a Jail Officer is contraband and shall be removed from the Jail Facility. Inmates in possession of contraband are subject to criminal prosecution and disciplinary action by the Jail staff.
- B. Items which could be used as weapons, tampering devices or which create a hazard. These include, but are not limited to, metal or glass objects, caustic substances, spiral notebooks and ballpoint pens.
- C. Any personal item of substantial value, which could be easily damaged.
- D. Any issued item not being used as it was originally intended.
- E. All tobacco products, which include cigarettes, chewing tobacco, cigars, and pipes.
- F. Excessive condiments, food items, or trash. The quantity of any inmate's property may be limited when necessary to maintain health, safety, and sanitation of the Jail Facility.

#### **404.060 CONTROL OF PROHIBITED ITEMS**

- A. The on-duty Jail Officer is responsible for ensuring that no prohibited items are allowed into the Jail Facility.
- B. Personal property, which is prohibited in the Jail Facility, will be logged and stored in the inmate property locker. This does not include weapons, knives, cutting instruments, explosives, flammable liquids, and contraband, which will be turned over to the arresting Officer.
- C. Prohibited items brought by visitors for inmates will not be accepted by the on-duty Jail Officer. This does not apply to relatives/friends who want to bring an inmate a change of clothes. The on-duty Jail Officer will complete a Property Add Transfer Release Form whenever there is an exchange or transfer of property.
- D. The on-duty Jail Officer shall make frequent inspections of the Jail Facility to locate and remove prohibited items. These inspections will be noted in the Jail Log.

#### **404.070 DISPOSITION OF PROPERTY AFTER BOOKING**

- A.** Personal property of inmates transferred to another institution will be limited to what is worn and a small carry on, no bigger than a “banker's box”. Excess personal property will be disposed of under 404.030 of this chapter.
- B.** Weapons, knives, cutting instruments, explosives, flammable liquids, tobacco products, matches, lighters and/or contraband shall not be transferred with the inmate.

#### **404.080 EVIDENCE**

- A.** All items seized, as evidence during the initial booking shall be turned over to the arresting Officer.
- B.** A copy of the evidence sheet/receipt shall be placed in the inmate's personal property locker by the on-duty Jail Officer.
- C.** The on-duty Jail Officer shall not list seized items on the booking sheet if they are seized prior to booking the inmate.
- D.** All items seized, as evidence after the initial booking or during the service of a search warrant shall be turned over to the arresting Officer or the Officer serving the search warrant.
- E.** The on-duty Jail Officer shall make a notation on the inmate's booking sheet, and in the Jail Log, documenting the service of a search warrant, a consent search, or any other instance where an inmate's property is seized. The Officer serving the search warrant shall place a copy of the search warrant, and a copy of the evidence sheet/receipt into the inmate's property locker. The evidence sheet/receipt shall itemize all seized property.

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**CHAPTER 405**  
**INMATE CLASSIFICATION**  
Chapter Revised 01/01/2012

**405.010 INTRODUCTION**

Every inmate shall be classified at all times while in custody at the Sitka Jail Facility. Personnel assigned to the Sitka Jail Facility shall use the same classification system currently used by the Department of Corrections. Changes in classification may occur at any time to properly reflect the current status of the inmate. All changes of classification shall be noted in both the Jail Log and Observation Cumulative Form in the inmate's file. Inmates in lock down status shall also have their Classification noted on the status board in the Jail Facility and in Dispatch.

**405.020 CLASSIFICATION**

There are four standard Department of Correction's inmate classifications. Inmates housed in the Sitka Jail Facility shall be classified as Group 1, Group 2, Group 3, or Group 4.

- A. Classification Group 1.** Unless there is a specific reason for a higher classification, the following inmates shall be classified as Group 1.
  - 1. Unsentenced misdemeanants.
  - 2. Sentenced misdemeanants.
  - 3. Unsentenced non-violent felons.
  
- B. Classification Group 2.** Unless there is a specific reason for a higher classification, the following inmates shall be classified in Group 2.
  - 1. Sentenced non-violent felons.
  
- C. Classification Group 3.** Classification Group 3 inmates will normally be in segregated lockdown. There shall be specific articulable reasons for a classification of Group 3. These reasons shall be noted in both the Jail Log and the inmates' Observation Cumulative Form in the inmates file. This classification shall include:
  - 1. Sentenced or unsentenced inmates charged with an unclassified or violent felony.
  - 2. An inmate who is considered to be an escape risk
  - 3. An inmate in administrative segregation due to causing a disruption in the Jail Facility operations.
  - 4. If the on-duty Jail Officer has questions about an inmate's classification they will check with the Department of Corrections.
  
- D. Classification Group 4.** Classification Group 4 indicates special needs, which may be for the sake of the inmate or other inmates.
  - 1. This includes inmates who may be mentally ill or emotionally unstable
  - 2. This may include inmates suspected of having contagious or infectious diseases.
  - 3. This may include inmates under the influence of alcohol or drugs to the point where special care is needed.
  - 4. This may include inmates needing medical or physical care
  - 5. This may include inmates requiring segregation for personal safety.

- E. Title 47 holds are always Group 4 regardless whether it is for a mental condition or alcohol incapacitation.
  - 1. Title 47 hold is a civil protective custody and not a criminal arrest.
  - 2. A persons being held, as Title 47 should never be housed with those inmates charged with a crime.

#### **405.030 CONTAGIOUS DISEASE CONTROL**

- A. Inmates suspected of having contagious or infectious disease must be isolated immediately from other inmates and be examined by a health care professional as soon as possible.
- B. Inmates suspected of having contagious or infectious disease shall be lodged in the Segregation Cell, as this cells vent directly to the outside.
- C. Unless a medical emergency exists, these inmates should receive necessary medical care during normal business hours.
  - 1. The on-duty Jail Officer shall telephone the Department of Corrections Medical Department at 1-877-900-3596, and request a medical authorization prior medical treatment for any state inmate other than SEARHC recipients.
  - 2. The on-duty Jail Officer shall thoroughly document in the Jail Log and Observation Cumulative Form whenever a medical authorization is denied.
- D. The on-duty Jail Officers shall follow normal procedures for obtaining Department of Correction's approval prior to taking state inmates to a medical appointment.
- E. Department of Correction's approval will be obtained anytime a state inmate is transported via ambulance from the Jail Facility. This also applies to SEARHC recipients.
- F. The physician's instructions regarding care of the inmate and staff protection shall be carefully documented and followed by all Jail Officers.
  - 1. The on-duty Jail Officer taking an inmate for a medical appointment shall thoroughly document these instructions in both the Jail Log and the inmate's Observation Cumulative Form.
- G. The on-duty Jail Officer shall be responsible for relaying any physician's instructions or medication information to the oncoming Jail Officers.
  - 1. If medications are required the on-duty Jail Officer shall complete a Medication Alert Form, which shall be taped to the cellblock door.
  - 2. The on-duty Jail Officer shall also be responsible for the Medication Alert and Log Sheet Forms, which shall be placed into the inmate's booking file.
- H. An inmate with contagious or suspected contagious diseases shall always be classified as a Group 4 inmate.
  - 1. The inmate's 3" x 5" Status Card on the Inmate Status Board shall be clearly marked to provide other Officer and with notice of the need for disease control measures.

#### **405.040 TERMINING CLASSIFICATION GROUP**

- A. The on-duty Jail Officer shall determine the inmate's classification at the time of booking.
- B. The on-duty Jail Officer shall enter the classification on the inmate's booking sheet, 3" x 5" Status Card, the Inmate Status Board, and in the Observation Cumulative Form in the inmate's booking file.



**405.060 ADMINISTRATIVE SEGREGATION:**

- A.** Administrative segregation is separation of an inmate from the general Jail Facility population.
  - 1. This takes place when the continued presence of the inmate would pose a serious threat to the life of another inmate, a Jail Officer, an Officer, and/or to the orderly management of the Jail Facility.
- B.** Administrative Segregation shall not be used for disciplinary reasons, but may be used at anytime for the reasons outlined in Section "A" above.
- C.** The on-duty Jail Officer shall thoroughly document their reasons for placing an inmate in Administrative Segregation.
  - 1. This documentation shall be done in the Jail Log and on the inmate's Observation Cumulative Form.
- D.** The on-duty Jail Officer shall notify the Services Lieutenant each time an inmate is placed into administrative segregation.

**CHAPTER 406**  
**LODGING AND ORIENTATION**

Chapter Revised 01/01/2012

**406.010 INTRODUCTION**

Inmates shall be lodged in the Sitka Jail Facility under safe and humane conditions. Cell assignments and security decisions shall be made on the basis of classification of the inmates currently being housed. All Inmates shall be provided an orientation within 24 hours of incarceration whenever possible.

**406.020 GENERAL GUIDELINES**

- A. As long as cell space is available, the on-duty Jail Officer shall assign inmates in individual cells.
- B. When double cell assignments are necessary, the on-duty Jail Officer shall use inmate classification to determine which inmates shall be housed in the same cell.
- C. Except for inmates placed into the Holding Cell and emergencies exceeding maximum capacity of the Jail Facility, no inmate shall be required to sleep on the floor.
- D. Any inmate who is required to sleep on the floor other than in the holding cell shall be provided with a mattress, a pillow, sheets and an adequate number of blankets by the on-duty Jail Officer.
- E. Inmates being held in the Holding Cell shall normally receive only a blanket.

**406.030 OPEN CELLBLOCK AND LOCKDOWN**

- A. Open Cell Block
  - 1. The Sitka Jail Facility operates under a policy of open cells within both cellblocks for all inmates in classification Groups 1 and 2.
  - 2. The open cellblock allows free access to the showers, the visiting area, telephone, and the television.
  - 3. The open cellblock allows the inmates greater room to move about, exercise, or visit within the Jail Facility.
- B. A general lockdown occurs during all meals times, and from 11:00 PM until after breakfast has been collected by the on-duty Jail Officer. During general lockdown all inmates will be locked in their assigned cells, the television and the lights will be turned off.
- C. The on-duty Jail Officer may impose a lockdown at any time h/she feels it is in the best interest of an inmate, Jail Officer, Officer, and/or for the safe operations of the Jail Facility.
  - 1. Any imposed lockdown shall remain in affect until the on-duty Jail Officer feels the issue or situation has been resolved and the Jail Facility can be operated safely.
  - 2. During an imposed lockdown the on-duty Jail Officer shall turn off the television and the telephones.
  - 3. The on-duty Jail Officer shall not allow the inmates to have any visitors during an imposed lockdown.
- D. The on-duty Jail Officer shall record the reason(s) for the imposed lockdown in the Jail Log.

**406.040 CELLBLOCK USAGE**

- A. The main cellblock shall be used only to house adult male inmates.
- B. The small cellblock shall normally be used to house adult female inmates. The small cellblock may also be used for segregation, overflow of adult male inmates, juvenile holding, or pre-arraignment holding as long as there are no female inmates in either of the two cells.
- C. Except in rare circumstances, juveniles shall not be lodged in the Sitka Jail Facility.
  - 1. Exceptions shall be admitted only under specific and limited circumstances allowed under AS 47.10.130, and after notification of the local or on-call Juvenile Probation Officer.
  - 2. If lodged in the Jail Facility, juveniles shall only be lodged in the small cellblock and only when there are no adult inmates within sight or sound of the juvenile.
- D. Office of Child Services (OCS) shall furnish a full time attendant, usually through Sitka Youth Home, when a juvenile is held in the back interview room at the Police Department.
  - 1. Normally the on-duty Jail Officer shall sit with the juveniles until the attendant arrives.
  - 2. OCS will no longer provide an attendant if the juvenile is to be held in the female cell.
- E. The on-duty Jail Officer shall ensure bookings; movement and release of a juvenile shall be done in a manner to avoid contact or observation by adult inmates, and to maintain separation by sight and sound from adult inmates.
  - 1. Juveniles charged with a status offense shall not be booked
  - 2. Juveniles charged with a crime shall be booked.

**406.050 CELL USAGE**

- A. Cells numbered 1 through 4 are double bunk cells and may be used for general cell assignment. The on-duty Jail Officer will normally assign these cells first.
- B. Cell number 5 is a single bunk cell and can be used for Group 3 inmates. Cell 5 may also be used for Group 4 inmates if the Holding Cell is occupied.
- C. The Segregation Cell shall be used for administrative segregation and inmates classified as Group 3 or Group 4.
  - 1. This cell shall not be used for general population except when all other bunks have been assigned,
  - 2. This cell is vented directly to the outside and shall be used to house inmates with contagious or possibly contagious diseases.
- D. The Holding Cell shall be used when the safety of the inmate would be threatened by a cell assignment with bunks. Usually, Title 47 holds for alcohol/drug incapacitation will be housed in the Holding Cell. .
- E. All cells are now equipped with video cameras and can be used as observation cells.

**406.060 CELL ASSIGNMENTS BY CLASSIFICATION**

- A. Any inmate classified as Group 1 may be housed with any other inmate in Group 1 inmate.
- B. Any inmate classified as Group 2 may be housed with any other inmate in Group 2. Group 2 inmates may be housed in the same cell with a Group 1 inmate only after the Group 1 inmate is made aware of the status of the Group 2 inmate

- C.** Group 3 inmates shall be held in segregated lockdown.
  - 1. Group 3 inmates shall not be double bunked except when no other space is available.
  - 2. Group 3 inmates shall then only be lodged with another Group 3 inmate.
  - 3. Group 3 inmates shall only be housed together when there is no indication that harm might occur to either inmate.
- D.** Group 4 inmates shall be housed alone and require special instructions on their status card. The instructions shall include lockdown for adult inmates.
  - 1. No Group 4 inmates shall be held in an Open cell, with the exception of juveniles.
  - 2. All specific instructions concerning Group 4 inmates shall be documented on the inmate's Observation Cumulative Form.

#### **406.070 PHYSICAL LODGING**

- A.** The on-duty Jail Officer shall use the following procedures when booking a cooperative inmate.
  - 1. Once all the booking process has been completed, the inmate should be searched and dressed in jail clothing.
  - 2. Jail clothing for male inmates includes t-shirt, briefs/boxers, a green shirt, green pants, sock, and shower sandals.
  - 3. Jail clothing for females will be the same for males except they will also be given a sports bra.
  - 4. The inmate should be given linens, a towel, a cup, inmate handbook, and a personal hygiene kit.
- B.** The on-duty Jail Officer shall determine classification and cell assignment for the inmate. The on-duty Jail Officer shall take the inmate to the assigned cell and ensure that the cell has been previously searched, secured, cleaned, and is ready for occupancy.
- C.** If cell reassignments need to be made to maintain classification compatibility, the on-duty Jail Officer will supervise the necessary changes and note the changes on the Jail Status Board, in the Jail Log, and on the inmates Observation Cumulative Form. Dispatch's Status Board should also be updated with all changes in cell assignments.
- D.** The on-duty Jail Officer will follow the below listed procedures when booking uncooperative inmates.
  - 1. Generally, all inmates being lodged into the Jail Facility shall be dressed in jail clothing.
  - 2. Those inmates who refuse or are incapacitated to the point they are unable to dress themselves shall have all of their clothing removed except for their underwear and be given a blanket.
  - 3. The on-duty Jail Officer shall lodge these inmates by themselves in the holding cell, the segregation cell, or small cellblock as appropriate.
  - 4. When the inmate becomes cooperative, the on-duty Jail Officer shall issue the inmate jail clothing and complete the booking process.

**406.080 RECORDING THE LODGING DECISIONS**

- A.** The on-duty Jail Officer shall complete a 3" x 5" card for the Jail Status Board for each inmate housed in the Jail Facility.
  - 1. This inmate status card shall contain the following information; full name, locker number, authority (city, state or federal), level (misdemeanor or felony), sentenced, release information, medical information, and any special instructions.
  - 2. The on-duty Jail Officer shall cover the inmate status card with clear colored plastic to indicate the inmate's classification.
- B.** The on-duty Jail Officer shall create a booking folder by writing the inmate's name, date of birth, and "J" number on the tab of the folder.
  - 1. The on-duty Jail Officer shall use manila folders for state cases, and green folders for City cases.
  - 2. Title-47' paperwork will be places into the Title-47 file until it is scanned into the RVI System.
  - 3. The on-duty Jail Officer shall attach the Sitka Police Department and OTIS Booking Sheets, Remand Form, and any court paperwork on the right side of the inmate folder.
  - 4. The on-duty Jail Officer shall attach the Medical Screening Form, the Observation Cumulative Form, and other medical information on the left side of the booking folder.
- C.** The on-duty Jail Officer shall write the inmate's name, cell number, booking and arraignment date, and any meal restrictions on the Inmate Status Board in Dispatch.

**406.090 INMATE ORIENTATION**

- A.** As soon as practical after admission, the on-duty Jail Officer shall provide all inmates the opportunity to read the Sitka Police Department Inmate Handbook. The Inmate Handbook covers the jail rules, regulations, and services.
- B.** Inmates shall be provided an orientation within 24 hours of incarceration or after the inmate has had a reasonable time to read and review the Inmate Handbook. It shall be the on-duty Jail Officer's responsibility to provide the inmate this opportunity to ask questions regarding the inmate handbook.
- C.** The on-duty Jail Officer will ask if the inmate has any questions, and answer them to the best of h/her ability.
- D.** The on-duty Jail Officer will note on the Observation Cumulative Form and in the Jail Log that a handbook was issued and orientation was provided.
- E.** If an interpreter is necessary to conduct the orientation, the jail officer shall make a reasonable effort to provide one. A list of local interpreters is located in the Court Office or Dispatch.

**CHAPTER 407**  
**INMATE RECORDS**

Chapter Revised 01/01/2012

**407.010 INTRODUCTION**

An accurate record of each inmate's incarceration in Sitka Jail Facility shall be made. This record shall include a complete booking record, health record, observation cumulative form, photograph, fingerprint card, court orders, and any other documentation related to the inmate's incarceration. The booking records shall be recorded and printed from the FilePro computer program. In addition to the paper records, each inmate shall also be recorded in both the AS400 and ACOMS computer systems.

**407.020 REPEAT BOOKINGS**

- A. Repeat bookings are multiple incarcerations of the same person. The on-duty Jail Officer shall create a new booking file and number for each time the inmate is incarcerated
- B. The on-duty Jail Officer shall take fingerprints and photographs only once for each arrest or Arrest Tracking Number (ATN). The on-duty Jail Officer does not have to take a new photograph if the arrestee or inmate has been photographed during the past six months.

**407.030 BOOKING FILE ORGANIZATION**

- A. Each booking folder shall be two-hole punched on each side to hold the ACCO fasteners.
- B. The left side of the booking file shall have the following forms attached in this order from bottom to top:
  - 1. Department of Corrections Medical Forms
  - 2. Medication Log Sheet
  - 3. Medication Memorandum
  - 4. Suicide Assessment Questionnaire (If completed)
  - 5. Medical Screening Form
  - 6. Observation Cumulative Form
- C. The right side of the booking file shall have the following forms attached in this order from bottom to top:
  - 1. Fingerprint card
  - 2. Remand to Custody Form (Copy of Bench Warrant, ECT)
  - 3. Criminal Complaint
  - 4. Court paperwork in the order in which it was received, with the latest Conditions of Release on top.
  - 5. Booking Sheet

**407.040 INMATE FILE RETENTION**

- A. Active Files are for those inmates who are currently in custody in the Sitka Jail Facility. Active files shall be kept in the removable crate, located in the top drawer of the small locking file cabinet in the booking area.
- B. After an inmate has been released or transferred, their completed file shall be placed in numerical order in the "Inmate Files" cabinet. These are Inactive Files for inmates who are no longer in custody in the Sitka Jail Facility
- C. The booking files of State inmate records shall be retained at the Sitka Police Department for three years.
- D. After three years these files shall be shipped to the Department of Corrections for archiving.
  - 1. They are sent to Central Records in Juneau via one of the local barge companies.
  - 2. The telephone number for Central Records is 904-465-3485.
  - 3. State inmate booking records are retained by Department of Corrections for ninety-nine years.
- E. Once completed the City inmate files shall scanned into the City's document imaging management system. All juvenile files shall also be scanned into the document imaging management system

**407.050 ACCESS TO INMATE RECORDS**

- A. Access to inmate records shall be restricted to criminal justice agencies.
- B. Other persons shall not have access to an inmate record unless the inmate specifically authorizes such access in writing.
- C. Anytime an inmate's records are released to anyone, other than to a criminal justice agency, a copy of the written release shall be placed into the inmate's file.
- D. Inmate records may be released with a court order. Any employees releasing an inmate's records pursuant to a court order shall be place a copy of the court order into the inmate's file.

**407.060 TITLE 47 RECORDS**

- A. Persons held under the authority of Title-47, are not under arrest and their records are confidential.
- B. All juvenile records are confidential, regardless of the Juvenile's criminal or non-criminal status.
- C. Non-Criminal booking forms shall be used for all Title-47 bookings. Non-Criminal booking forms are located in the FilePro computer programs and in the Active File drawer.
- D. The records of a person being held under Title-47 shall be placed in the "Confidential Title-47" folder in front of the active inmate files by the on-duty Jail Officer booking the person. All Title-47 records shall be placed in numerical order in the Title-47 file folder in the inactive drawer after the person has been released by the on-duty Jail Officer.
- E. All Title-47 records shall be scanned into the City's document imaging system and destroyed after 3 years.

**CHAPTER 408**  
**INMATE HEALTHCARE AND MEDICATIONS**  
Chapter Revised 01/01/2012

**408.010 INTRODUCTION**

Under Alaska State Statutes and the Sitka Community Jail contract inmates have a right to necessary medical attention and services. The State or the City is responsible for providing emergency and necessary medical services to all inmates held in the Sitka Jail Facility. Elective medical services are not the Department's responsibility and will not be allowed while an inmate is in custody. The on-duty Jail Officer shall question the inmate and complete the Medical Screening Form during the booking process. In addition the on-duty Jail Officer will make a thorough visual observation of the inmate to detect any signs of injury, illness, and/or disease.

**408.020 DETERMING MEDICAL NEEDS DURING INCARCERATION**

- A.** If an inmate exhibits or complains of symptoms of any illness or injury, which requires medical attention, the on-duty Jail Officer shall seek appropriate treatment as soon as practical. If the medical condition is life threatening the inmate shall be transported to the closest hospital Sitka Fire Department aid vehicle.
- B.** Unless this is an emergency the inmate will be required to fill out the Inmate Request For Medical Form. When needed Jail Officers will assist inmates with the completion of this form. The on-duty Jail Officer will normally not do this until after the inmate's arraignment.
- C.** The Department of Corrections will approve all medical care for state inmates whenever there are costs involved. The on-duty Jail Officer shall call the Department of Corrections medical unit at 1-877-900-3596 to obtain an MR# prior to taking an inmate for medical care or before obtaining medications.
  - 1. In an emergency situation the medical care will be the priority, and then the Department of Corrections shall be called.
  - 2. The Department of Corrections does not have to be called for SEARHC recipients who require medical care or medications.
- D.** The City and Borough of Sitka shall cover the costs of medical care and/or medications for City inmates. City inmates requiring medical care or medications will be required to sign a promissory note for the costs. This will allow the City to be reimbursed.
- E.** Sitka Fire Department paramedics and EMTs are not medical personnel and should not be asked to evaluate an inmate's medical condition. Normally if they are called to the Jail Facility they are going to transport the inmate.

**408.030 PROVIDING HEALTH CARE**

- A.** Jail Officers may provide over the counter medications to inmates upon request. When these types of medications are dispensed the on-duty Jail Officer shall note the in the inmates Observation Cumulative Form and in the Jail Log.
- B.** Jail Officers are required to take inmates to doctor's office or hospitals for medical appointments.
  - 1. Inmates shall be transported in jail clothing, but will be allowed to wear their own shoes and jackets.
  - 2. The on-duty Jail Officer shall determine the level of restraints to be used based on the inmate's classification.
- C.** Except in a medical emergency, all examinations, treatment, and procedures must be conducted with informed consent. An exception may be made at the discretion of the treating health care provided when public healthcare concerns require immediate intervention.

- D. The on-duty Jail Officer shall note medical treatments and/or medications received in both the inmate's Observation Cumulative Form and in the Jail Log.

#### 408.040 PRESCRIPTION MEDICATION

Inmate medication shall be strictly controlled by the on-duty Jail Officers, while ensuring the inmate's needs are met. If an inmate is in need of medication(s), the on-duty Jail Officers shall make all reasonable efforts to provide the medication(s).

- A. The need for prescription medication may become apparent under the following circumstances:
1. The inmate is carrying prescription medication with them when they are being booked into the Jail Facility.
  2. The inmate says that he is taking prescription medications during the booking process
  3. The inmate states that they are currently taking prescription medication under a doctor's order.
  4. A physician has examined the inmate while in custody, and the physician has prescribed medication for them.
- B. The on-duty Jail Officer shall determine whether or not a prescription for medication currently exists. This can be done by checking with the inmate's doctor or by checking with the local pharmacies.
- C. Unless it is a medical emergency inmates will not be allowed to bring any medications into the Jail Facility. Persons reporting to serve time will be told that the on-duty Jail Officer will have to pick up any prescriptions for them. If continuation of the prescription is required, the medication from the inmate's property locker shall only be used in case of emergencies or until a new prescription can be obtained.
- D. The on-duty Jail Officer shall attempt to collect payment for inmates' medications whenever possible.
1. If the inmate is a City prisoner the City shall pay for the needed prescription. The on-duty Jail Officer shall use the City's charge account at White's Pharmacy. City inmates will be required to sign a PFD Assignment of Rights form or promissory note for the costs of these medications. Inmates shall not be denied required medications based on their ability to pay for them.
  2. If the inmate is a State prisoner the on-duty Jail Officer will call the Department of Corrections at 1-877-900-3596 for a medical authorization number.
  3. The on-duty Jail Officer shall obtain a new prescription for the inmate as soon as possible.
  4. The on-duty Jail Officer shall be responsible for picking up inmate's medications from the SEARHC Pharmacy. There are normally no costs for medications picked for SEARHC recipients.
- E. Medication issued by the Department of Corrections and sent with an inmate, who is transferring into the Sitka Jail Facility, may be used if contained in the Department of Corrections bubble packages and labeled with the inmate's name and instructions.
- F. The on-duty Jail Officer shall normally allow female inmates to continue the use of prescription birth control pills.
- G. The on-duty Jail Officer shall only obtain enough medication for the estimated amount of time the inmate shall be in the Sitka Jail Facility. Small amounts of medication may be obtained by the on-duty Jail Officer from the emergency rooms at Sitka Community Hospital or SEARHC, when the pharmacies are closed.

#### 408.050 INMATE RECORDS OF PRESCRIPTION MEDICATION

- A. The on-duty Jail Officer who picks up prescription medication shall complete the following forms; Medication Memorandum Form, Medication Alert Form, and Medication Log Sheet Form

1. The on-duty Jail Officer shall also update the medication section inmate's Status Card in the Jail Facility and Dispatch.
  2. All of the required medical forms are located in either the Jail Facility computer or the Active Files drawer.
  3. The Medication Memorandum Form and the Medication Log Sheet shall be placed onto the left hand side of the inmate's file.
  4. Copies of the Medication Memorandum Form and the Medication Log Sheet shall be sent with the inmate when the inmate is transferred to another Department of Corrections/State institution.
  5. The Medical Alert Form shall be taped onto the cellblock door to let the oncoming Jail Officers know there are inmates needing medications, and the times they are to be given.
- B.** The on-duty Jail Officer will complete the Medication Log Sheet and write in the Jail Log each time they administer medications to an inmate. If an inmate refuses their medication this will also be logged in the Medication Log Sheet and the Jail Log.

#### **408.060 STORAGE OF PRESCRIPTION MEDICATION**

- A.** The on-duty Jail Officer receiving inmate medications shall store them in the locked medication cabinet above the booking area sink. The key to the medication cabinet is available in Dispatch and on the Jail Facility key ring.
- B.** If medications need to be kept cool they shall be stored in the refrigerator in the lunch room in a sealed container that is marked with the inmate's name by the on-duty Jail Officer. Syringes for insulin injections and glucose meters shall not be stored in the refrigerator.

#### **408.070 DISTRIBUTION OF PRESCRIPTION MEDICATION**

- A.** The on-duty Jail Officer shall ensure that medications are distributed only as prescribed. The on-duty Jail Officer shall note the amount of medication dispensed and the time it was dispensed in the inmate's Medication Log and Sheet and in the Jail Log.
- B.** The on-duty Jail Officer distributing oral medication shall observe the inmate swallow the medication, and shall check the inmate's mouth to be sure the inmate is not hoarding medications.
- C.** Injections shall be given by property licensed medical personnel or self-administered.
1. The on-duty Jail Officer shall observe the inmate self-administer insulin injections as directed by their physician.
  2. The on-duty Jail Officer shall ensure the inmate properly disposes of used syringes in the sharps container, which is kept in the booking area under the sink in the booking area.

#### **408.080 DISPOSAL OF PRESCRIPTION MEDICATION**

- A.** Unless complete use of a prescription is required for treatment, such as an antibiotic, all medication purchased by the City or the Department of Corrections shall be disposed of at the time the inmate is released.
- B.** If the inmate is transferred to a Department of Corrections/State institution, which will accept the medication, the medications shall be turned over to the transporting officer. Medications shall never be given to the inmate to carry.
- C.** The on-duty Jail Officer shall make a note on the Medication Log Form to indicate final disposition of the medication. The Medication Log Form shall be signed and dated by the on-duty Jail Officer disposing of them.

- D. Unused prescription medication shall be disposed of by delivering them to one of the two local pharmacies. This disposal will be logged in the Jail Log.
- E. The on-duty Jail Officer shall ensure all inmate owned medications in legal containers, are returned to the inmate upon release. The on-duty Jail Officer shall treat inmate owned medications the same as other personal property

#### **408.090 DISTRIBUTION OF NON-PRESCRIPTION MEDICATION**

- A. Over the counter (OTC) medication, such as aspirin, laxatives, ibuprofen, ect. may be given to inmates at their request, but must come from Jail supplies.
- B. Jail officers distributing non- prescription medication shall follow label directions and document the use of the medication on the inmate's Observation Cumulative Form and in the Jail Log.

#### **408.100 BILLING INFORMATION**

- A. The on-duty Jail Officer requesting approval for medical treatment or prescriptions from the Department of Corrections shall complete the Medical Payment Request Form, note the MR# that was obtained and submit it to the Services Lieutenant.
  - 1. This form needs to be completed as soon as practical after the treatment.
  - 2. The Services Lieutenant shall submit paperwork to the City billing clerk to obtain reimbursement from the Department of Corrections.

**CHAPTER 409**  
**INMATE RELEASE PROCEDURES**  
Chapter Revised 01/01/2012

**409.010 INTRODUCTION**

All inmates shall be released at the proper time, with the proper written authority, and upon completion of all booking and release procedures, which shall include fingerprints and photographs.

**409.020 TRANSFERS**

Transfers are not a release from custody, but they are a release from the Sitka Jail Facility. Transfers are handled by specific procedures in OPM Chapter 415.

**409.030 AUTHORITY TO RELEASE/RELEASE TIME**

- A.** The on-duty Jail Officer shall not release an inmate from custody except as authorized by law.
- B.** Most offenses have a preset bail.
  - 1. A copy of the bail schedule shall be posted in the booking area.
  - 2. The arresting officer may call the judge or magistrate to request a higher bail.
  - 3. The on-duty Jail Officer shall inform the inmate when a higher bail has been set.
- C.** When cash bail is posted, the on-duty Jail Officer would normally release the inmate. The on-duty Jail Officer shall complete the booking process prior to releasing the inmate. This includes photographing and fingerprinting the inmate.
- D.** Judgments, or Dispositions, shall specify the amount of time the inmate is served.
- E.** When an inmate is booked into the Jail Facility the on-duty Jail Officers will complete a time accounting form, and schedule the time and date of release.
  - 1. As soon as is practical the on-duty Jail Officer shall inform the inmate the time and date of their release.
  - 2. If there are questions about an inmate's time accounting the on-duty Jail Officer may seek assistance from the Department of Corrections.
  - 3. Once this time is served, the inmate shall be released.
- F.** The court may order the release of an inmate at any time. The on-duty Jail Officer shall place a copy of the order(s) into the inmate's booking folder.

**409.040 TITLE-47 HOLDS**

- A.** Persons held under Title 47 for incapacitation due to alcohol/drugs can be released to a responsible adult at anytime, but cannot be held longer than 12 hours.
  - 1. Jail Officers shall be familiar with and ensure compliance with the provisions of Title 47 statutes.
  - 2. Title-47 inmates if not released to a responsibility third party will be held for 12 hours.
  - 3. Persons held under Title 47 due to mental incapacitation are to be held until transferred to a mental health facility or ordered released by the court.

- B. All Juveniles are held under Title 47. Juvenile holds are covered in OPM Chapter 410.

#### **409.050 PRE-RELEASE CHECKS BY OFFICER**

- A. The on-duty Jail Officer shall check the entire original booking records to ensure they are complete.
  - 1. Missing information in the inmate file shall be updated by the on-duty Jail Officer prior to the inmates' release.
  - 2. All updated information will be entered into the appropriate computer systems (AS400, File-Pro, and ACOMS) by the on-duty Jail Officer.
- B. The on-duty Jail Officer shall check to ensure that fingerprints and photos were obtained at the time of booking.
  - 1. An inmate, except for certain Title 47 holds, may be held until they submit to fingerprinting and photographing, even if the time served is complete.
  - 2. The on-duty Jail Officer shall record a notation on the inmates' Observation Cumulative Form and in the Jail Log if they are held past their scheduled release. This notation should describe in detail why the person was held.
- C. The Services Lieutenant shall be notified of any inmate refusing to complete the booking process.

#### **409.060 INMATE RESPONSIBILITIES PRIOR TO RELEASE**

- A. The on-duty Jail Officer shall have the inmate clean their cell and sweep the floor.
  - 1. All clothing and linens shall be placed in the laundry container.
  - 2. Jail items such as pencils, paper, game, or playing cards shall be returned to the on-duty Jail Officer.
  - 3. The inmate shall remove all personal items, including toiletries, books, paperwork, and food items from their cell.

#### **409.070 RELEASE OFFICER'S RESPONSIBILITIES**

- A. The on-duty Jail Officer shall inspect the entire cell, mattresses and pillows to ensure they are undamaged, and that all personal items have been removed from the cell. They should also check for graffiti on the walls and bunks.
  - 1. When the cell is found to be dirty the inmate shall be required to clean it prior to release.
- B. The empty cell shall be cleaned, time permitting, searched for contraband, and locked by the on-duty Jail Officer. Searched, cleaned and secured cells shall be noted in the Jail Log by the on-duty Jail Officer.
- C. Cells not searched and cleaned shall not be re-occupied by an inmate until it is searched for contraband and cleaned. The on-duty Jail Officer shall note the cell is unsecured on the inmate status board in the Jail.
- D. Cells with the mattresses folded over by the on-duty Jail Officer shall indicate the cell has been searched, cleaned, and secured. This shall indicate the cell is ready to be re-occupied.
- E. The inmate shall dress in their own clothing, placing all jail clothing, slippers, towel, and linens in the laundry container.
- F. The on-duty Jail Officer shall return inmate's personal property while checking each item off the original property receipt.

- G.** The inmate must sign the Personal Property Receipt section of the Booking Form. If an inmate refuses to sign the property receipt, the on-duty Jail Officer shall call a witness to observe the property return, and place a report of refusal in the inmate's file. The on-duty Jail Officer shall note the refusal to sign on the Personal Property Receipt Form and in the Jail Log.
- H.** Prescription medicine in properly marked containers in the inmate's property shall always be returned to the inmate, if there is no concern of overdose.
  - 1. Prescriptions purchased by Department of Corrections or the City requiring completion, such as certain antibiotics, shall be given to the inmate.
  - 2. Prescription medications not returned to the inmate shall be disposed by taking it to Harry Race Pharmacy. The on-duty Jail Officer shall have this witnessed by at least one other Department employee.
  - 3. The on-duty Jail Officer shall document this disposal on the inmate's Medication Log Form and in the Jail Log. The name of the witnessing employee shall also be listed in both locations.

#### **409.080 AFTER RELEASE DUTIES**

- A.** The on-duty Jail Officer shall remove the inmate's name from status boards in the Jail office and Dispatch and enter the release on the Jail Log. An asterisk shall precede the release information in the Jail Log
- B.** The on-duty Jail Officer shall perform the appropriate computer updates and place the inmate folder in the inactive file drawer.
- C.** The on-duty Jail Officer shall print out an inmate list from the AS400 and place the lists on the corkboard above the computers in the booking area.

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**CHAPTER 410**  
**JUVENILE JAIL POLICY**  
Chapter Revised 01/01/2012

**410.010 INTRODUCTION**

If circumstances permit, the on-call Division of Juvenile Justice Juvenile Probation Officer (JPO) will be notified prior to taking a juvenile into custody. The on-duty Jail Officer will normally only admit juveniles into the secure area of the Sitka Jail Facility with the approval of the JPO. This does not preclude placing juveniles into the non-secure interview room while the JPO is contacted.

The local telephone number for the local JPO Office is 907-747-8608. Dispatch will have contact numbers for a designated "on call" JPO to process calls during evenings and weekend hours.

**410.020 DEFINITIONS**

- A. **Adjudicated Offender** – A juvenile who has been convicted or adjudicated by an Alaska court and has a sentence or action imposed upon them by the appropriate court of authority.
- B. **Accused Offender** – A juvenile who has been charged with a delinquent or criminal offense and who has not yet been convicted or adjudicated.
- C. **Secure Custody** - Refers to a juvenile that is locked in a room or cell, unlocked cell or handcuffed to a stationary object to prevent them from leaving the Sitka Jail Facility.
- D. **Status Offender** - A juvenile who is charged with an offense or a violation that is specific to their age and status as a minor and for which persons over 18-21 years of age are not subject to charging, examples are, Minor Consuming, Curfew Violation, Tobacco, Truancy and Runaway statutes and/or ordinances.
- E. **Juvenile** – refers to a person less than 18 years of age. Persons 18 to 21 who violate beverage control laws are not classified as Juveniles or Status Offenders.
- F. **Non-Offender** - A juvenile who is subject to the jurisdiction of the Superior Court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile. These include cases of Children in Need of Aid (CINA) as well as Mental Health holds.

**410.030 PROCEDURES FOR NON-SECURE AND SECURE CUSTODY AT THE JAIL FACILITY**

- A. At the Sitka Jail Facility a juvenile status offender or non-offender **shall not** be placed into a locked room or cell. Juveniles in this classification, who must be detained, must be detained non-secure in the back interview room of the Police Department.

Juveniles may have both wrists handcuffed, or be handcuffed to a movable object such as a chair or table leg. They may not to be handcuffed to an immovable object such as a cuffing bar or cuffing rail.

- B. A juvenile charged with a new delinquent/criminal offense or an adjudicated offender who has violated the conditions of probation of the juvenile court will be held in the back interview room at the Police Department. The door to this room will normally be left open.
  - 1. The JPO will be contacted for approval of holding the juvenile as well as approval of having an employee of Youth Advocates of Sitka (YAS) called out to provide 1:1 supervision of the juvenile, under the Attendant Care Shelter program grant, while the juvenile is being held in the interview room.
  - 2. The on-duty Jail Officer will check on the juvenile and the YAS person supervising the juvenile on a regular basis. This may include monitoring them on the interview room camera.

- C. A juvenile charged with a new delinquent/criminal offense or an adjudicated offender who has violated the conditions of probation of the juvenile court and has been determined to present a significant danger to the community and or staff, may be placed in a locked room or cell with prior approval of the JPO. The female cell block is to be used for secure holds and may only be used when both cells are empty and with the understanding that the vacant cell will be unavailable for use with an adult offender.
1. A juvenile may be placed in a locked room or cell for a maximum of 6 hours for identification, processing, release to parent, or transfer to a juvenile facility or 6 hours prior to and 6 hours after a court appearance. Sight and sound separation from adult offenders must be maintained at all times.
  2. Under the “rural exception” a juvenile may be held in a locked room or cell beyond the 6-hour limit while awaiting an initial court appearance. This waiver allows detention up to 48 hours (excluding weekends and holidays) and with the approval of the JPO or other juvenile justice authorities.
- D. The Sitka Jail Facility is located where conditions adverse to safety exist (e.g., severe, life threatening weather conditions that do not allow for reasonably safe travel), and in specific circumstances the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel. These extended time periods cannot be used after the initial court appearance. After the initial court appearance, the 6-hour exception applies and the juvenile can be held only for up to 6 hours after a court appearance.
- E. Whenever a juvenile is placed into the facility for secure confinement in the female cell block or handcuffed to an immovable object:
1. The on duty Jail Officer admitting the juvenile to the facility will complete the *Juvenile Confinement Admission and Release Form*.
  2. The Jail Officer will note in the jail log the exact time that the juvenile is placed into a secured room or cell.
  3. If the juvenile is cuffed to an immobile object, record the time and describe the object they are cuffed to.
  4. Complete the *Juvenile Confinement Admission and Release Form* to record the time of any court hearing, departure and return to the facility, time of release, and to whom the juvenile is released.
  5. The *Juvenile Confinement and Release Form* shall be forwarded to Professional Administrative Services (PAS, Inc.) 2161 Lake George Drive, Anchorage, Alaska 99504-3514. The form is utilized by the DJJ to monitor the presence of juveniles in adult facilities, and to help the DJJ identify and respond to needs for technical assistance by adult correctional facility staff.
- F. An adjudicated offender shall not be placed in a locked room or cell to serve time for any offense, regardless of the court of jurisdiction. If an adjudicated offender is presented to the facility with a valid court order for secure custody the on-duty Jail Officer shall contact the JPO who will assist with arranging a suitable custody arrangement and/or transfer to a proper detention facility.
- G. “Sight and sound separation” from adult offenders shall be maintained at all times the juvenile is being held in Sitka Jail Facility. Separation must be achieved in all secure areas of the Jail Facility. Accused or adjudicated delinquent offenders, status offenders, and non-offenders cannot have any contact with adult inmates.
1. For the purpose of this policy “contact” is defined to include any physical or sustained sight or sound contact. “Sight contact” is clear visual contact between adult inmates and juveniles within close proximity to each other. “Sound contact” is direct oral communication between adult inmates and juvenile offenders.
  2. When a juvenile is held securely in the “female cell block” the second cell shall not be used to house an adult offender. The juvenile is to be maintained under video surveillance by the Jail Officer. The use of a YAS Attendant person is prohibited.
  3. When a juvenile is held in the interview room the door to the interview room should be closed when adult inmates are being transported to and from the Jail Facility.
- H. Juveniles being held in either secure or non-secure custody will be provided meals on the same schedule as adult inmates unless the JPO has made other meal arrangements.

- I. Juveniles held in the interview room are not permitted to sleep on the floor of the interview room. The on-duty Jail Officer shall provide the juvenile a cot and bedding.

#### **410.040 Fingerprints of Juveniles**

- A. AS 47.12.210 provides that "a peace officer may fingerprint a minor under the same circumstances as an adult may be fingerprinted." This means a minor of any age who is placed under arrest for a crime may be fingerprinted by the Sitka Police Department.
- B. Juveniles can also be required to submit to fingerprinting by court order (Criminal Rule 16(c)(2)(C)).
- C. No special handling of the prints is required; they may be entered into AAFIS, and compared against latent prints collected at crime scenes just like any adult's fingerprints.

#### **410.050 Transportation of Juveniles**

A juvenile under 18 shall not be transported in the same vehicle with adults suspected of or charged with criminal acts.

#### **410.060 Juvenile Arrest for Driving Under the Influence (DUI)**

Juveniles arrested for Driving Under the Influence (DUI) will be processed the same as adults offenders arrested for the same offense.

#### **410.070 Confidentiality of Records/Release of Information**

- A. Alaska law requires that all law enforcement agencies take special precautions to ensure that law enforcement records concerning a juvenile are protected against disclosure to any unauthorized person(s).
- B. Officers may release, upon request to one another and to other local state or federal law enforcement officers, current information on juvenile arrests limited to name, address, physical description, date of arrest, and charge. Such information may only be used for current investigation.

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**CHAPTER 411**  
**JAIL SECURITY**

Chapter Revised 01/01/2012

**411.010 INTRODUCTION**

It is the responsibility of all Jail Officers, Officers, and all other employees of the Sitka Police Department to ensure jail security is maintained at all times. Any employee observing a jail security and/or suspected jail security issue is expected to take immediate corrective action to eliminate the problem. Any issue needing immediate attention should be reported to the on-duty Jail Officer, the shift supervisor, or the Services Lieutenant immediately.

**411.020 WEAPONS**

- A.** Except in emergency situations on-duty Jail Officer and Officers shall not take firearms, knives, batons, and other weapons into the secure perimeter of the cellblocks.
  - 1. The on-duty Jail Officer and officers may carry Oleoresin Capsicum into the cellblocks.
  - 2. The on-duty Jail Officer and officers may also bring the Taser into the cellblock to assist with the control of unruly inmates.
- B.** All firearms will be removed and stored in the gun a locker prior to entering the booking area or as soon as possible after an inmate has been brought into the booking area. The restriction on weapons within the Jail Facility applies to all persons entering any portion of the Jail Facility.
- C.** The on-duty Jail Officer shall ensure inmates are not allowed to retain any items, which can readily be used or be made into a weapon.
- D.** The on-duty Jail Officer shall ensure inmates are not given any items, which they could use to manufacture a weapon. The on-duty Jail Officer is responsible for the control of razor and nail clippers, which shall be inspected for tampering each time they are returned.
- E.** The on-duty Jail Officer shall periodically search the booking area and inmate's cells to ensure there are no weapons in the Jail Facility.
- F.** The on-duty Jail Officer shall tactfully inquire and remind visitors they cannot enter the jail while in possession of any type of weapon.
- G.** All visitor allowed into the Jail Facility will be electronically searched with a wand and may also be subject to a pat-down search for contraband by the on-duty Jail Officer. The on-duty Jail Officer shall wand and/or pat-down professional as well as civilian visitors.
- H.** Any visitor refusing to allow the use of the wand or search by the on-duty Jail Officer will be denied access into the Jail Facility.
- I.** Persons in possession of contraband and/or weapons shall be denied access to the Jail Facility by the on-duty Jail Officer.
  - 1. The on-duty Jail Officer shall thoroughly document the reason the person was denied into the Jail Facility in the Jail Log.
  - 2. The Services Lieutenant shall be notified anytime a visitor is denied access into the Jail Facility, and the reasons for such denial.
  - 3. The Services Lieutenant shall determine if and when the visitor will be allowed back into the Jail Facility.

**411.030 CLEANING EQUIPMENT AND SUPPLIES**

The on-duty Jail Officers shall carefully monitor the use of cleaning equipment and supplies used by the inmates to clean their cells and the cellblocks.

**411.040 CONTROLLED SUBSTANCES**

- A.** The on-duty Jail Officer shall not allow any controlled substances into the Jail Facility unless they are prescribed by a physician. The on-duty Jail Officer shall only dispense prescription medications in compliance with the prescription instructions. See OPM Chapter 408 for more information.
- B.** Possession of a controlled substance in a Jail Facility is covered under AS 11.56.375 (Promoting Contraband In The First Degree).
  - 1. The possession of any unauthorized drug in the Jail Facility is contraband, and the inmate possessing it is subject to prosecution.
  - 2. Possession of any unauthorized controlled substances in the Jail Facility is a felony offense.
  - 3. The Alaska Statute applies to everyone; including inmates, visitors and employees.
  - 4. All violations of AS 11.56.375 shall be reported, investigated, and submitted to the District Attorney's Office for prosecution.

## **CHAPTER 412**

### **JAIL CHECKS AND DOCUMENTATION**

Chapter Revised 01/01/2012

#### **412.010 INTRODUCTION**

Direct observation jail checks shall be made by the on-duty Jail Officer on a frequent basis to maintain the welfare of the inmates, for officer safety, and to maintain Jail Facility security. The on-duty Jail Officer shall make direct observation jail checks at least every hour and more often as required.

#### **412.020 PURPOSE OF JAIL CHECKS**

- A.** The on-duty Jail Officer shall make direct observation jail checks to maintain the security of the Jail Facility, for direct observation of inmate's activities, to supervise the inmate's activities, provide meals, determine the inmate's needs, and provide appropriate medical care when needed.
- B.** Direct observation jail checks require the on-duty Jail Officer to go into the cellblocks and observe the condition of each inmate.
  - 1. When the inmates are awake the on-duty Jail Officer shall attempt to get a verbal response from each inmate.
  - 2. When the inmates are asleep the on-duty Jail Officer shall attempt to observe the inmate breathing.
  - 3. The on-duty Jail Officer observations shall be thoroughly documented in the Jail Log.
- C.** Between direct observation jail checks the on-duty Jail Officer shall observe the inmates activities on the monitor in the booking area. Observations made on monitor shall not be substituted for direct observation jail checks by the on-duty Jail Officer.
- D.** All unusual activities observed during direct observation jail checks or on the monitor shall be investigated by the on-duty Jail Officer.
- E.** All suspected criminal activities observed during direct observation jail checks or on the monitor shall be referred to the shift supervisor for investigation by the on-duty Jail Officer.
- F.** All unusual or criminal activities observed by the on-duty Jail Officer shall be thoroughly documented in the Jail Log. Thoroughly documenting this information shall allow the Department's technician to quickly retrieve the digital recording for possible use at a latter date.
- G.** The on-duty Jail Officer shall notify the Services Lieutenant of any unusual or criminal activities occurring on their shift.
  - 1. The Services Lieutenant shall make the determination if the activities warrant a permanent recording being made.
  - 2. The Services Lieutenant shall contact the Department's technician and request the recording, which shall normally be on a DVD.
  - 3. The Services Lieutenant shall contact the Department's technician and request a copy of the recording
  - 4. The Services Lieutenant shall enter this recording into evidence under the appropriate case number.

#### **412.030 MANNERS AND FREQUENCY OF JAIL CHECKS**

- A.** The on-duty Jail Officer shall conduct direct observation jail checks at varying intervals and shall not fall into a discernible pattern or routine. If the on-duty Jail Officers allows patterns to develop inmates shall anticipate and plan prohibited activities around the times they anticipate the Jail Officer to arrive.

- B. Direct observation jail checks shall be made at least hourly, and more often as needed. More frequent direct observation jail checks by the on-duty Jail Officer shall decrease prohibited activities by inmates.
- C. All jail checks shall be thoroughly documented in the Jail Log by the on-duty Jail Officer.
- D. The windows from the cellblocks looking into the booking area shall be covered at all times. Covering the windows shall prevent inmates from observing the on-duty Jail Officers activities in the booking area.

#### **412.040 INMATE HEADCOUNT**

- A. Inmate counts shall be made to verify the presence of all inmates at the beginning of each shift and each time a direct observation jail check is done.
  - 1. The number of inmates counted shall be noted in the appropriate column of the Jail Log by the on-duty Jail Officer.
  - 2. The on-duty Jail Officer shall note changes in the number of inmates in the Jail Log at the time the change occurs.
  - 3. Bookings and releases shall be noted by the on-duty Jail Officer with an asterisk in the far left column of the Jail Log.
- B. The oncoming Jail Officer at shift change shall list the last names of all inmates and which cell the inmate is assigned to in the Jail Log. The on-duty Jail Officer shall also list the key count in the Jail Log.

#### **412.050 DOCUMENTATION IN JAIL LOG**

- A. All significant activities or unusual activities in the Jail Facility shall be thoroughly documented in the jail log under comments by the on-duty Jail Officer. The oncoming Jail Officer should be briefed about any unusual activities.
- B. The on-duty Jail Officer shall describe activities or observations made during jail checks. These observations shall be thoroughly noted in the comments section of the Jail Log.

**CHAPTER 413**  
**INMATE ACCESS TO PUBLIC AND ATTORNEY**  
Chapter Revised 01/01/2012

**413.010 INTRODUCTION**

Inmates shall be encouraged to maintain ties with family, friends, their attorney and the community. Policies governing visitation, telephone, and mail exist to accommodate these ties, but include limitations within the law, to maintain officer safety, facility security, and order in the Jail Facility.

**413.020 TELEPHONE ACCESS**

- A.** Inmates, including those in lock down, shall have reasonable access to a telephone, except when the access is suspended pending an investigation involving telephone abuse or to maintain order in the Jail Facility. Refer to AS 33.30.231. A suspension under this subsection must be reasonable in length and may not prohibit telephone communication between the prisoner and an attorney or between the prisoner and the office of ombudsman,
- B.** Inmates will normally have access to the telephones between 8:00 AM, and 11:00 PM.
- C.** No telephone call to an inmate's attorney or the State Ombudsman shall be monitored by departmental personnel. Telephone calls to the inmate's attorney or to the State Ombudsman may not be restricted except at the request of the inmate's attorney.
- D.** There are working telephones on the women's and men's cellblocks. If requested inmates may be allowed to use the telephone in the booking area to make confidential calls.

**413.030 MAIL**

- A.** The on-duty Jail Officer will not limit the length, source, or volume of mail an inmate may send or receive. The exception to this rule is when the on-duty Jail Officer feels it is necessary for reasons of officer safety, public safety, facility order, or security.
- B.** The inspection of mail shall be performed by the on-duty Jail Officer and delivered to inmates as soon as possible.
- C.** Except as noted below both incoming and outgoing mail shall be opened and inspected for contraband.
  - 1. The on-duty Jail Officer shall contact the shift supervisor when contraband is located in mail.
  - 2. The shift supervisor shall make the determination whether an investigation shall be initiated.
  - 3. Unless there will be a criminal prosecution, the inmate involved shall be notified when contraband is discovered in incoming mail by the on-duty Jail Officer.
  - 4. The on-duty Jail Officer shall thoroughly document in the Jail Log anytime contraband is located in incoming or outgoing mail.
  - 5. If the shift supervisor determines that there will not be any criminal prosecution, the contraband shall be logged as evidence and marked for disposal by the on-duty Jail Office or the shift supervisor.

**413.040 PRIVILEGED CORRESPONDENCE**

- A.** Incoming mail from attorneys, courts, government officials, or others that assist the inmate in the exercise of their legal rights may be opened to inspection for contraband.

1. Incoming mail from attorneys, courts, and government officials shall be opened in the presence of the inmate to whom it is addressed by the on-duty Jail Officer.
  2. Incoming mail from attorneys, courts, and government officials shall not be read by departmental personnel unless there is a court order authorizing it.
- B.** The on-duty Jail Officer shall allow inmates to send sealed mail to attorneys, courts, government officials, or others that assist the inmate in the exercise of the inmate's legal rights
- C.** Inmate mail, both incoming and outgoing, may not be rejected by the on-duty Jail Officer, except where there is reason to believe that the correspondence threatens the safety and security of the Jail Facility, another inmate, a public official, or the general public or if restricted by the court such as in domestic violence cases.
- D.** Inmate mail, both incoming and outgoing, may also be rejected if in the opinion of the on-duty Jail Officer it is being used in the furtherance of illegal activities.
- E.** If mail is rejected, the sender and the inmate it is addressed to must be notified in writing of the reason for the rejection by the on-duty Jail Officer.
- F.** Any mail rejected must be returned to the sender or placed in the inmate's property, unless it contains illegal material or is kept as evidence.

#### **413.050 WRITING SUPPLIES**

- A.** The on-duty Jail Officer shall provide inmates with a reasonable amount of writing supplies and postage for general correspondence if requested.
- B.** The on-duty Jail Officer shall provide writing supplies and postage for correspondence with family, friends, attorneys, the courts, government officials and officials of the confining authority. Writing supplies and postage shall be provided at no cost to indigent inmates.

#### **413.060 ACCESS TO COURTS**

- A.** Jail Officers need to understand that inmates have a constitutional right to meaningful access to the courts. This is usually achieved through representation of an attorney.
- B.** The on-duty Jail Officer upon request will allow inmates access to the department copies of the Alaska State Statutes, Alaska Administrative Code, and the Alaska Rules of Court.

#### **413.070 CONTACT VISITS**

- A.** The on-duty Jail Officer shall not allow male inmates to have contact visits.
- B.** The on-duty Jail Officer shall allow female inmates to have visitors in the booking area.
1. Visitors for female inmates shall visit under the supervision of the on-duty Jail Officer.
  2. The on-duty Jail Officer shall ensure the inmate and the visitor shall sit at opposite ends of the booking bench.
  3. The on-duty Jail Officer shall ensure the visitors and the inmate do not have any physical contact during the visit.

**CHAPTER 414**  
**INMATE COURT PROCEDURES**

Chapter Revised 01/01/2012

**414.010 INTRODUCTION**

Jail Officers transporting inmates to court shall use the most humane, least humiliating method, while maintaining adequate security and safety of the Jail Officer, Officers, court personnel, courthouse visitors, and the inmate. Normally inmates shall be transported to and from court in metal handcuffs.

**414.020 INMATE RESTRAINT GUIDELINES**

- A.** The on-duty Jail Officer will be responsible for transporting inmates to and from court without incident. The on-duty Jail Officer shall use the level of restraints, which matches the inmate's custody level, past record, and current demeanor.
- B.** Wrist restraints with belly chains shall be used for violent misdemeanants, felons, and in those cases where the on-duty Jail Officer sees a potential for flight or violence.
- C.** The on-duty Jail Officer will be use leg irons if they are deemed necessary, for security.
  - 1. The on-duty Jail Officer and another officer shall transport inmates to court if they require leg irons.
  - 2. Both the on-duty Jail Officer and the Officer shall stay with the inmate throughout the court hearing, and until the inmate has been returned to the Jail Facility.
- D.** In normal circumstances the on-duty Jail Officer shall remove wrist and leg restraints outside the courtroom door prior to a court hearing.
- E.** If the on-duty Jail Officer feels there is a safety concern h/she shall make prior arrangements with the court to leave all restraints in place.

**414.030 INMATE CLOTHING GUIDELINES**

- A.** The on-duty Jail Officer shall take misdemeanor inmates to court in issued jail clothing. The on-duty Jail Officer shall require misdemeanor inmates to wear a shirt and sandals into the courtroom.
- B.** If requested, the on-duty Jail Officer shall allow an inmate going to court for a jury trial to wear their personal clothing.
  - 1. A Jail Officer escorting an inmate to a jury trial shall release the inmate to their attorney outside the sight of any jurors or potential jurors.
  - 2. Depending on the level of offense the on-duty Jail Officer may under certain circumstances release an inmate into the custody of their attorney in the Jail Facility.
- C.** If requested, the on-duty Jail Officer shall allow an inmate going to court for a felony sentencing to wear their personal clothing.
- D.** The on-duty Jail Officer shall thoroughly search the inmate an inmate's personal clothing prior to being given to the inmate, and again when they return from court. The clothing search shall be thoroughly documented in the Jail Log.

**414.040 INMATE APPEARANCE IN COURT**

- A. The on-duty Jail Officer shall determine which of the available routes shall be taken to Court. The on-duty Jail Officer may take an inmate up the back steps to the courtroom if the jury is present, or if the hall or courtrooms are crowded
- B. The on-duty Jail Officer shall determine beforehand, which courtroom the inmate's hearing is to be held in.
- C. The on-duty Jail Officer shall use the elevator rather than the stairs to minimize the possibility of injury or escape.
- D. The on-duty Jail Officer shall direct the inmate to sit in or next to the jury box in the main courtroom, and wait to be called to the counsel table. In the hearing or small courtroom, the on-duty Jail Officer shall direct the inmate to sit at the table to the right of the judge's bench.
- E. The Jail Officer is responsible for maintaining control of the inmate at all times.
  - 1. The on-duty Jail Officer shall restrain, and if necessary remove the inmate from the courtroom back to the Jail Facility if the inmate's conduct becomes disruptive or violent.
  - 2. An on-duty officer shall be notified as soon as possible if the Jail Officer needs assistance with an inmate.
  - 3. The on-duty Jail Officer shall note in the Jail Log, and the inmate's file, anytime an inmate has to be restrained in or removed from the courtroom.
  - 4. The court shall be notified as soon as possible of the inmate's status, so that the court hearing can be rescheduled.

**414.050 ESCORT OFFICER LOCATION IN COURT**

The Jail Officer escorting the inmate shall sit in the courtroom where the officer can maintain control over the inmate while causing the least amount of intrusion into the court proceedings.

**414.060 ESCORT OFFICER ON JURY TRIALS**

- A. The escorting of an inmate to a jury trial must be accomplished in a manner in which prejudicing jurors is avoided.
  - 1. The courts have ruled that this prejudice may occur if a juror sees the inmate in handcuffs, or in the custody of a uniformed officer.
  - 2. The escorting Jail Officer will wear appropriate civilian attire whenever escorting an inmate to trial.
- B. The on-duty Jail Officer will call the jury clerk or court and advise them you are ready to bring the inmate upstairs. The on-duty Jail Officer will ask the court clerk to check to ensure there are no jurors present in the lobby.
- C. The on-duty Jail Officer shall only use restraints if security outweighs the potential of a juror contact. The on-duty Jail Officer shall only do this with the permission of the court.
- D. The on-duty Jail Officer shall notify the Assistant District Attorney anytime there is contact with or observation by any person who might be a juror, while the inmate is in custody.

## **CHAPTER 415 INMATE TRANSPORTATION**

Chapter Revised 01/01/2012

### **415.010 INTRODUCTION**

Transportation of inmates (also refers to T-47) is a constant requirement and because of Sitka's unique geographic location a frequent activity. Transportation occurs in three instances. The first is immediately after arrest when the arrestee is taken by the arresting officer to the Jail Facility for booking/holding or transfer to a Department of Corrections facility. The second concerns the movement of inmates from the Jail Facility, to a hospital, doctor, dentist, or other medical facility, court and for other reasons. The third instance is the transportation of Title 47 inmates to either Bartlett Hospital in Juneau or API in Anchorage. In all instances of transportation of an inmate or a T-47, on-duty Jail Officers shall take care not to endanger themselves while ensuring the inmate's safety and limiting opportunities for escape.

### **415.020 TRANSPORTATION**

#### **A. General**

1. Unless no other type of vehicle is available, all inmates and T-47s shall be transported in secure, caged vehicles. Inmates will be seated belted in whenever practical.
2. In no instance shall a juvenile known or believed to be under the age of 18 years of age be transported with adults suspected of or charged with criminal acts.
3. When picking up an inmate from any facility, the on-duty Jail Officer shall verify the identity of the inmate.
4. The transporting officer shall obtain from the custodian of the inmate any paperwork, property, or medical records that should accompany the transfer of the inmate.

#### **B. The transporting officer shall always search an inmate before placing them into the transport vehicle. Jail Officers must never assume that an inmate does not possess a weapon or contraband or that someone else has already searched the inmate. The transporting Jail Officer shall conduct a search of the inmate each time the inmate enters custody of the Jail Officer.**

1. When handling and searching inmates, Jail Officer shall remain mindful of infectious diseases and shall use personal protective equipment when necessary.
2. The transporting Jail Officer shall search the vehicle before each inmate transport to ensure that no weapons or contraband are available to the inmate. Further, after delivering the inmate to their destination, officers shall again search the police vehicle to ensure that the inmate did not hide contraband or other evidence.

#### **C. Most marked vehicles are equipped with a metal screen separating the front and rear compartments. Normally, these vehicles will be used in all inmate transports in order to prevent inmate access to the driver's compartment. All vehicles equipped with metal screen barriers and used in transporting inmates have the rear interior door and window handles removed in order to minimize the risk of escape by inmates while transporting.**

#### **D. When an officer transports an inmate in a caged vehicle, the inmate shall be positioned in the rear seat and secured with seat belts. A Jail Officer shall never transport two or more suspects in a non-caged vehicle unless directed by the on-duty supervisor.**

#### **E. Jail Officer shall not transport inmates who are restrained in a prone position. Doing so risks positional asphyxia, a form of suffocation for the restrained suspect that may cause death.**

#### **F. Control of inmates while transporting**

1. During transportation, Jail Officers shall continually observe the inmate.

2. If an inmate appears lethargic, particularly after an active confrontation with officers, or appears unresponsive, the on-duty Jail Officer should consider the possibility that immediate medical help may be necessary. Dispatch will notify the Fire Department and request medical assistance.
- G.** If an inmate escapes while being transported, the transporting Jail Officer shall notify Dispatch immediately
1. The transporting Jail Officer shall immediately provide Dispatch with the following information; the location the inmate escaped from, the inmate's last known location and method of travel, the inmate's name, physical description, and clothing they were wearing, any possible weapons the inmate might possess, and the reasons and seriousness of the crime(s) the inmate was in custody for.
  2. The transporting Jail Officer shall submit a written report to the chief of police as soon as practicable explaining the circumstances of the escape.
- H.** The transporting Jail Officer shall not allow inmates to communicate with other people while in transit unless the situation requires it. The Jail Officer shall use his or her judgment when deciding whether to allow a conversation to take place between the transported inmate and another party.
- I.** The on-duty Jail Officer will use discretion in applying restraining devices on sick or injured inmates. If the inmate refuses treatment, the on-duty Jail Officer will note this in the Jail Log and the inmate's OBSCUM Form.
- J.** If the inmate must be admitted to one of the local hospital, the on-duty Jail Officer shall release the inmate only after consulting the on-call magistrate.
1. Normally misdemeanor inmates will be released by the magistrate.
  2. If the inmates is charged with a crime against person and/or a serious felony the on-duty Jail Officer will consult with the Services Lieutenant. This may require that the inmate be guarded until released.
  3. If it is necessary to post a guard the inmate shall be kept under observation at all times and, normally, restraining devices will be used. The on-duty Jail Officer shall consult with medical personnel concerning the use of restraining devices.
- K.** When transporting inmates to a local appointment, the on-duty Jail Officer shall decide how to restrain the inmate.
1. When inmates are being transported on a commercial airline to a Department of Corrections institution they shall be handcuffed and a "belly chain" shall be used.
  2. Under no circumstances shall an inmate be handcuffed to a part of the transport vehicle itself, such as the floor post, protective screen barrier, etc.
- L.** Officers shall use ankle shackles or leg restraints to immobilize legs when transporting any inmate that might injure an officer, damage the transport vehicle, and/or pose an escape risk.
1. There are leg restraints in each patrol vehicle.
  2. Commercial airlines will not allow prisoners to be transported in leg restraints.
- M.** The on-duty Jail Officer shall document all inmate transports and shall note any unusual circumstances or events. The on-duty Jail Officers shall document the circumstances of any apparently ill or injured inmates and their medical treatment.

## **CHAPTER 416**

### **CONTROLLING POPULATION LEVELS**

Chapter Revised 01/01/2012

#### **416.010 INTRODUCTION**

Reasonable steps will be taken by the Jail Officers to avoid overcrowding and to ensure the maximum capacity of the Sitka Jail Facility is not exceeded

#### **416.020 MAXIMUM CAPACITY**

- A.** The maximum housing capacity of the Sitka Jail Facility is sixteen inmates. There are four female bunks, eleven male bunks, and space in the Holding Cell for one inmate to be held temporarily.
- B.** Crowded conditions in the Jail Facility may result from the number of inmates in different classifications or from the demeanor of certain inmates. Overcrowded conditions may occur before maximum capacity is reached.

#### **416.030 POPULATION REDUCTION**

- A.** When the number, classification or demeanor of inmates creates a crowded condition that threatens health, safety or security of the Jail Facility, reasonable steps will be taken to control or reduce the inmate population.
  - 1. The Services Lieutenant will notify the judge or magistrate of the crowded condition and asked to assist in reducing the population by authorizing transfers, O.R. releases, or reviewing certain inmate's bail conditions.
  - 2. The Services Lieutenant shall make specific recommendations to the court on how to reduce the overcrowding.
- B.** Inmates who are scheduled to serve time, but are not currently in jail, will be rescheduled with the concurrence of the court. The Services Lieutenant or the on-duty Jail Officer shall notify the Court prior to rescheduling an inmate.
- C.** Judicial Services in Juneau will be notified that the jail is crowded and request assistance in transporting State inmates to a Department of Corrections institution as soon as possible.
- D.** The Services Lieutenant or on-duty Jail Officer shall make specific recommendations on, which prisoners to transport first.

#### **416.040 NOTIFICATION OF OVERCROWDING**

When crowded conditions or maximum capacity poses an imminent threat to the safety of inmates or security of the Jail Facility the on-duty shift supervisor and the Services Lieutenant shall be notified immediately by the on-duty Jail Officer.

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**CHAPTER 417**  
**USE OF RESTRAINT CHAIR**

Chapter Revised 01/01/2012

**417.010 INTRODUCTION**

The restraint chair shall be used to control inmates who are in danger of causing physical harm to themselves or others, and are displaying behavior, which may result in the destruction of property belonging to the Sitka Police Department.

**417.020 RESTRAINT CHAIR**

- A. The Department currently has a restraint chair manufactured by AEDEC International, Incorporated, 7926 Southwest Nimbus Avenue, Beaverton, OR 97008, 503-644-8988.
- B. All of the hard restraints on this chair were replaced with soft restraints in 1999-2000 with a kit purchased from AEDEC International, Incorporated.

**417.030 USE OF THE RESTRAINT CHAIR**

- A. The restraint chair is designed to restrain/limit the movements of inmates who require extreme measures of control. The restraint chair shall be used in lieu of placing inmates, who are a threat to themselves or others, into hard restraints.
- B. The restraint chair shall be kept in the booking area when not in use.
- C. As part of the weekly facilities inspection, the on-duty Jail Officer shall inspect the restraint chair to ensure that it is clean and ready for use.
- D. The shift supervisor shall authorize the use of, and be present during the time an inmate is placed into the restraint chair.
- E. A minimum of two Jail Officers or officers shall be present whenever an inmate is placed into the restraint chair.
- F. Once a male inmate has been placed into the restraint chair they will be placed into the Holding or Segregation Cell.
  - 1. Female inmates shall be placed into either empty cell
  - 2. Inmates in the restraint chair shall only be placed into a cell with an operating CCTV camera.
- G. The on-duty Jail Officer shall thoroughly document all activities regarding the use of the restraint chair in the Jail Log and in the inmate's Observation Cumulative Form.
- H. The on-duty Jail Officer shall notify the Services Lieutenant each time the restraint chair is used.
  - 1. When necessary the Services Lieutenant shall contact police technician and obtain a DVD recording of the incident.
  - 2. The Services Lieutenant shall be responsible for entering this recording into the Department's Evidence System.
- I. All other inmates in the Jail Facility shall be locked down whenever an inmate has been placed into the restraint chair.

**417.040 CHECKING INMATES IN THE RESTRAINT CHAIR**

- A. The on-duty Jail Officer shall be responsible for physically checking the inmate in the restraint chair at least every fifteen minutes.
  - 1. This will only be done if the on-duty Jail Officer can accomplish this safely.
  - 2. The on-duty Jail Officer shall check the restraints for tightness and proper placement.
  - 3. The on-duty Jail Officer shall check the inmate's feet and hands to ensure there is proper circulation.
  - 4. These checks shall be thoroughly documented in the Jail Log and Observation Cumulative Form by the on-duty Jail Officer.
- B. If the inmate in the restraint chair complains of pain or injury the on-duty Jail Officer will contact the shift supervisor. Inmates shall not be taken outside the Jail Facility for medical attention until they have calmed to the point where they would be released from the restraint chair.

**417.050 GENERAL GUIDELINE FOR PLACING AN INMATE INTO THE RESTRAINT CHAIR**

- A. It is realized by the Department that most of the time when you are placing an inmate into the restraint chair, you will be struggling with them in some manner or another. These guidelines are written to assist you.
- B. Whenever possible the inmate will have their hands handcuffed behind their back. If this is not done the inmate will be able to struggle out of the restraints.
  - 1. The foam pad in the back of the seat needs to be removed prior to having the inmate seated in the restraint chair.
  - 2. Crossing and tightening the seat belts across the inmate's chest and abdomen will force the inmate to sit back in the restraint chair.
  - 3. Forcing the inmate to sit back in the restraint chair keeps them from sitting forward and loosening the leg restraints.
  - 4. The inmate's legs should be restrained next.

**417.060 RELEASING AN INMATE FROM THE RESTRAINT CHAIR**

- A. The shift supervisor shall make the determination when an inmate shall be released from the restraint chair.
  - 1. A minimum of two officers shall be present whenever an inmate is released from the restraint chair.
  - 2. The on-duty Jail Officer shall thoroughly document the inmates release from the restraint chair.
  - 3. The on-duty Jail Officer shall include the date, time, and reason(s) the supervisor gave for the inmate being released from the restraint chair.
  - 4. After being released from the restraint chair the on-duty Jail Officer shall place the inmate into a cell by h/herself for a minimum of four hours.

## **CHAPTER 418 DISTURBANCES / HIGH TENSION SITUATIONS**

Chapter Revised 01/01/2012

### **418.010 INTRODUCTION**

Jail Officers and all other Departmental personnel shall be alert for any indication of potential disturbances or high-tension level in the Jail Facility, which have the potential to result in violence. When a general disturbance has occurred or is likely to occur, the on-duty Jail Officers shall take immediate steps to control inmates and defuse the situation.

### **418.020 DISTURBANCE DEFINED**

A *disturbance* as used in this order means a hostile verbal confrontation between Jail Officer and inmates, or between inmates. A disturbance may also be fighting among inmates, or other behavior, which signals the potential for violence against Jail Officers or between inmates.

### **418.030 ASSAULTS AGAINST JAIL OFFICERS**

- A. The on-duty shift supervisor will be notified immediately of any assaults against Jail Officers
- B. All assaults against Jail Officer shall be thoroughly investigated and prosecuted.

### **418.040 ADMINISTRATIVE SEGREGATION**

- A. If the disturbance is the result of a single inmate, that inmate shall be changed to a Class III inmate and be placed in lock down by the on-duty Jail Officer. The on-duty Jail Officer shall place the inmate into the segregation cell, but if this cell is already occupied any cell may be used.
- B. If the disturbance involves several inmates the on-duty Jail Officer shall change all inmates to Class III and they all shall be placed in lock down.
- C. The inmates involved in a disturbance or fight shall be transported to a Department of Corrections facility as soon as possible. The Services Lieutenant shall ask the Court for transportation orders as soon as possible.

### **418.050 IMPACT ON JAIL OPERATIONS**

- A. If a general lock down is imposed by the on-duty Jail Officer due to a disturbance or fighting, visiting hours and other privileges shall be temporarily suspended or modified.
  - 1. The on-duty Jail Officer shall turn off the telephones and the television.
  - 2. The on-duty Jail Officer shall thoroughly document their reason for imposing the general lock down in the Jail Log.
  - 3. The on-duty Jail Officer shall notify the Services Lieutenant every time a general lockdown is imposed.
- B. While a general lock down is in effect due to a disturbance or fighting, the on-duty Jail Officer shall make direct observation jail checks at least every twenty minutes.
- C. The on-duty Jail Officer shall notify the Services Lieutenant if additional staff is needed to cope with a disturbance.
- D. The Services Lieutenant shall contact the police technician and obtain a DVD copy of the incident that caused the general lockdown. The Services Lieutenant shall enter this DVD copy of the incident into the Department's evidence system.

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**CHAPTER 419**  
**ESCAPE FROM CUSTODY**  
Chapter Revised 01/01/2012

**419.010 INTRODUCTION**

All department personnel shall constantly be aware of the potential for inmate escapes. If an escape should occur, Departmental personnel shall respond as outlined in this order to locate and return the escapee to custody as soon as possible.

**419.020 PERMITTING AN ESCAPE UNLAWFUL**

It is a class C felony for a public servant to act with criminal negligence and permit the escape of a person under official detention (Ref AS 11.56.340).

**419.030 DISPATCH RESPONSE TO ESCAPE**

- A.** The first person to become aware that an inmate has escaped shall immediately notify Dispatch of the escape.
- B.** Dispatch shall notify all on-duty personnel including shift supervisor, officer, detectives, and the on-duty Jail Officer.
  - 1. Dispatch shall give a description of the inmate to all on-duty personnel.
  - 2. Dispatch shall give the addresses of friends and/or relatives to all on-duty personnel.
  - 3. If known Dispatch shall give a description of any vehicles the escapee may have access to.
- C.** Dispatch shall notify the Chief and both the Lieutenants.
- D.** Dispatch shall as soon as practical notify the on-duty Alaska State Troopers and the Department of Public Safety Academy staff.
- E.** Dispatch shall notify the Community Jail Coordinator at the Department of Corrections if a State inmate escapes or leave the premises of the Jail Facility without the proper authority.
- F.** Dispatch shall notify transportation carriers, which might be used by the escapee to leave the Sitka area. This would include Alaska Airlines, Alaska Marine Highways, Harris Air, and any other private carriers.

**419.040 JAIL OFFICER RESPONSE TO ESCAPE**

- A.** The on-duty Jail Officer shall impose an immediate lock down of all inmates in the Jail Facility, and do an inmate count.
- B.** The on-duty Jail Officer shall check with other inmates and the escaped inmate's file to obtain information to assist in locating the escapee. The on-duty Jail Officer shall give any information to Dispatch so it can be given to all on-duty personnel.

**419.050 PATROL OFFICERS RESPONSE TO AN ESCAPE**

- A.** All on-duty personnel shall make every reasonable effort to locate the escapee.
- B.** If the escapee is observed or located by a non-uniform person they shall immediately notify Dispatch. Dispatch shall give this information to on-duty Officers as soon as possible.

- C. If officers locate the escapee they shall arrest them and return them to on-duty Jail Officer as soon as practical.

**419.060 PRESS RELEASE**

- A. The Chief of Police or his designee shall make a press release regarding the escape if the public is placed in immediate danger or if recapture is not imminent.
- B. If a press release has been previously issued, a follow up press release shall be made to notify the public when the escapee is apprehended.

## **CHAPTER 420**

### **EMERGENCY MEDICAL GUIDELINES**

Chapter Revised 01/01/2012

#### **420.010 INTRODUCTION**

All personnel entering the Jail Facility will be alert for any indication of inmate injury or need for medical care. If a medical emergency, illness or injury is observed the on-duty Jail Officer will immediately summon Fire Department emergency medical personnel for assistance.

#### **420.020 PHYSICAL INJURIES**

- A.** If the on-duty Jail Officer observes a physical injury they shall call Dispatch to summon Fire Department emergency medical personnel.
- B.** The on-duty Jail Officer shall also request assistance from the on-duty personnel.
- C.** The on-duty Jail Officer shall care for any life threatening injury or conditions until EMS arrives or until properly relieved.
- D.** The on-duty Jail Officer shall attempt to stabilize the inmate to prevent further injury.
- E.** If the on-duty Jail Officer suspects a crime as been committed they shall preserve the crime scene and prevent the contamination of any evidence.
- F.** If the inmate needs to be transported to the hospital, the on-duty Jail Officer shall make arrangements for jail coverage. If emergency medical personnel are called to the Jail Facility they are required to transport the inmate to one of the local hospitals.
- G.** The Services Lieutenant will make the decision if a hospitalized inmate requires guarding.
  - 1. If the inmate is serving time for a misdemeanor the on-duty Jail Officer or Services Lieutenant will contact the Court and request an OR release.
  - 2. If the inmate is serving time for a property crime the on-duty Jail Officer or Services Lieutenant will contact the Court and request an OR release.
  - 3. If the inmate is incarcerated or serving time for a crime against a person a guard will normally be assigned to guard them until they can be released.

#### **420.030 SUDDEN ILLNESS**

- A.** When a person becomes suddenly ill, he or she often looks and feels sick. Common symptoms include, but aren't limited to:
  - 1. Feeling light-headed, dizzy, acting confused, or appearing weak.
  - 2. Changes in skin color from pale to flush.
  - 3. Diarrhea, nausea or vomiting, when they have not been previously sick.
  - 4. Changes in level of consciousness.
  - 5. Seizure, paralysis or the inability to move.
  - 6. Slurred speech, which is not alcohol or drug related.

7. Difficulty seeing or a severe headache.
  8. Persistent pressure or chest pain.
  9. Difficulty breathing
- B.** Following the procedures taught in the American Heart Association CPR, First Aid, and AED classes. The on-duty Jail Officer should respond to a sudden illness in the following manner.
1. Call Dispatch to call an ambulance.
  2. Care for any life threatening conditions.
  3. Help victim rest comfortably.
  4. Watch for changes in level of consciousness and breathing.
  5. If the inmate vomits, roll them on their side.
- C.** If the inmate faints, position him/her on their back and elevate their legs 8 to 10 inches. Do not do this if you suspect there is the possibility of a head or back injury.
- D.** If the inmate has a diabetic emergency, give him/her some form of sugar, under their tongue.
- E.** If an inmate has a seizure, do not try to hold them, restrain, or place anything between their teeth or in their mouth.
1. Remove any nearby objects that might cause injury.
  2. Cushion the victim's head using a folded blanket, pillow or clothing.

**CHAPTER 421**  
**DEATH OF AN INMATE**  
Chapter Revised 01/01/2012

**421.010 INTRODUCTION**

Any death of an inmate in the Department's custody will be fully investigated under the guidelines of OPM Chapter 208 "Death Investigation Procedures".

**421.020 IMMEDIATE DUTY OF JAIL PERSONNEL**

- A.** When the on-duty Jail Officer discovers what appears to be an inmate death or circumstances, which indicate death is likely, the following steps will be taken immediately:
  - 1. The on-duty Jail Officer shall stabilize the situation to prevent further harm to anyone else.
  - 2. The on-duty Jail Officer shall call for emergency medical assistance and provide life support care.
  - 3. The on-duty Jail Officer shall preserve the scene and evidence.
- B.** The on-duty Jail Officer shall treat the area where the inmate is found as a crime scene. The on-duty Jail Officer shall maintain the crime scene until properly relieved.
- C.** The on-duty Jail Officer shall direct the first responding officer to lock down all other inmates.
- D.** The on-duty Jail Officer shall thoroughly document this incident in both the Jail Log and in the inmate's Observation Cumulative Form.

**421.030 IMMEDIATE DUTY OF DISPATCH PERSONNEL**

- A.** The on-duty Dispatcher shall ensure emergency medical personnel are notified and enroute to the Jail Facility.
- B.** The on-duty Dispatcher shall notify the shift supervisor and all on-duty personnel, the Chief of Police, the Operations and Services Lieutenants.
- C.** The on-duty Dispatcher shall call the on-duty investigator and have them respond to the Jail Facility to conduct the investigation.
- D.** The on-duty Dispatcher shall as time permits assist responding medical personnel.
- E.** If the deceased is a State inmate, the Services Lieutenant shall notify the Community Jail Coordinator at the Department of Corrections as soon as practical.
  - 1. The current Community Jail Coordinator is APO V Houser and he can be contacted at 904-269-5402 during normal business hours.
  - 2. After normal business hours the on-duty Dispatcher shall notify the Department of Corrections through the booking sergeant at Lemon Creek Correctional Center at 907-465-6223.

**421.040 PERSONAL PROPERTY OF DECEASED**

- A.** The deceased inmate's property shall be turned over to the investigating officer by the on-duty Jail Officer.
- B.** The on-duty Jail Officer shall not release any property without the prior approval of the investigating officer. The investigating officer shall sign the booking receipt showing receipt of the property.

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**CHAPTER 422**  
**INMATE SUICIDE POLICY**  
Chapter Revised 01/01/2012

**422.010 INTRODUCTION**

It shall be the responsibility of all Department personnel to assist in the maintenance of the physical and mental well being of all inmates held in the custody of Sitka Police Department.

**422.020 CUSTODIAL DEATH POLICY**

- A. The death of all inmates, while in the custody of Sitka Police Department, either by natural causes, accident, assault, or suicide shall be fully investigated by personnel assigned by the Chief of Police.
- B. These investigations will be done in accordance with OPM Chapter 208, "Death Investigation Procedures".

**422.030 "AT RISK" OR SUICIDAL INMATES**

- A. All Jail Officers shall be trained during their initial FTO program to recognize common signs of a potential suicide. All Jail Officers shall be trained how to respond to potential suicides, and how to properly document their observations.
- B. Jail Officer Field Training Officers shall conduct this training, and shall note this training in the trainee's training record and in the comments section of the DORs.
- C. Every inmate will be screened during the booking process to determine if the inmate is "at risk" or suicidal.
  - 1. If the on-duty Jail Officer determines that the inmate is "at risk" or suicidal, they shall notify the on-duty shift supervisor and complete the Suicide Assessment/Questionnaire as part of the booking process. The Suicide Assessment/Questionnaire forms are located in the active inmate forms drawer.
  - 2. "at risk" or potential suicidal inmates shall be indicated on the Jail Status Board as a "Class 4", with a blue card.
  - 3. The words "Suicide Watch" shall be clearly marked in the medical section of the inmate's card on the status board in the Jail.
  - 4. The words "Suicide Watch" will be noted in the inmate's file on the Observation Cumulative Form. The on-duty Jail Officer shall thoroughly document their reason(s) for placing the inmate on "Suicide Watch" in the Jail Log and the inmate's Observation Cumulative Form.
  - 5. The on-duty Jail Officer should consult the mental health or medical staff at Sitka Community Hospital, who are responsible for treatment, when in doubt as to what intervention procedure to implement. The main telephone number to Sitka Community Hospital is 747-1700. SEARHC no longer has the facilities to care for involuntary T-47 commitments, but SEARHC has staff whom could also possibly assist.
  - 6. The shift supervisor and Dispatch will be immediately notified when an inmate is placed on "Suicide Watch".
  - 7. The on-duty Jail Officers shall notify any oncoming Jail Officers of any inmate on "Suicide Watch".
- D. "At risk" on suicidal inmate will be physically checked at least every fifteen minutes, or as often as the situation warrants, in the judgment of the on-duty Jail Officer or shift supervisor.
  - 1. A potentially suicidal or "at risk" inmate's cell will be continuously monitored on the monitor in the booking area by the on-duty Jail Officer.

2. The on-duty Jail Officer's observations of "at risk" on suicidal inmates shall be thoroughly documented in the Jail Log and on the inmate's Observation Cumulative Form.
- E.** Male and female "at risk" on suicidal inmates will remove all of their clothing and be dressed in a suicide smock and given a suicide blanket.
1. These inmate shall not be given socks, t-shirts, underwear, and linens.
  2. Whenever possible "at risk" or suicidal inmates will be housed apart from other inmates
  3. Male inmates will be housed in either the Holding Cell or the Segregation Cell by the on-duty Jail Officer.
  4. Female inmates may be housed in either of the female cells, both of which are observation cells
- F.** The on-duty Jail Officer shall only give "at risk" or suicidal inmates finger foods and will not be given utensils. Upon request Sitka Community Hospital kitchen staff will provide these items.
- G.** The on-duty Jail Officer shall only allow "at risk" or suicidal inmate to visit with their immediate family, attorney, doctor, and/or clergy.
- H.** "at risk" or suicidal inmates shall be required to take supervised showers. The person supervising the shower shall be of the same sex.
- I.** When processing a "at risk" or suicidal inmate the on-duty Jail Officer shall as soon as possible notify Dispatch to place the "at risk" or suicidal inmate's cell on the video monitor, and to record the inmate's activities. This recording should continue as long as the inmate is on Suicide Watch. These recording shall be kept for a minimum of 90 days or longer if litigation is anticipated.

#### **422.040 SUICIDE INTERVENTION**

- A.** The circumstances surrounding each event shall dictate whether or not an officer must act immediately or wait for additional personnel. Anytime there is an officer safety issue, the on-duty Jail Officers shall wait until additional Officers arrive to assist with the situation.
- B.** An officer observing an "at risk" or suicidal inmate attempting to harm him or herself shall immediately notify Dispatch and have Dispatch call for assistance.
- C.** Every effort that can be safely made shall be made to prevent an "at risk" or suicidal inmate from harming themselves, the Jail Officer, officer, and other inmates.
- D.** The "at risk" or suicidal inmate shall be physically restrained only as long as is necessary to insure the safety of themselves, the Jail Officer, officer, and other inmates. When necessary, the restraint chair may be used to restrain an "at risk" or suicidal inmates (see OPM Chapter 417, "Use of Restraint Chair").

#### **422.050 IMMEDIATE DUTY OF JAIL PERSONNEL**

- A.** The on-duty Jail Officer who discovers what appears to be an inmate death or serious physical injury, shall notify Dispatch prior to entering the cell. The on-duty Jail Officer shall request that Dispatch begin recording the activities in the cell.
1. The on-duty Jail Officer shall notify Dispatch of the incident and have them call for assistance from the on duty supervisor, emergency medical personnel. This will be done prior to entering the cell. As time permit Dispatch shall notify the Chief of Police, the Operations and Services Lieutenants and the on-call detective.
  2. The on-duty Jail Officer shall determine the inmate's responsiveness following American Heart Association's first aid procedures. Begin, and continue, basic life support until EMS (emergency medical personnel) arrive, and provide them with any requested assistance.

3. The on-duty Jail Officer shall order all other inmates into their assigned cells. When additional officers arrive, all inmates will be locked down.
  4. All personnel entering the Jail Facility should make every attempt to preserve the crime scene and all potential evidence.
  5. The on-duty Jail Officer shall provide responding EMS personnel with the inmate's medical records if requested.
- B.** The on-duty Jail Officer shall thoroughly document all of the pertinent times and the inmate's activities in the Jail Log and the inmate's Observation Cumulative. These entries shall be made as soon as is practical.
- C.** If not already done the on-duty Jail Officer shall request a Dispatch Report from Dispatch. All Department personnel involved in the incident shall complete an incident Supplement Report, thoroughly documenting their observations and actions.
- D.** All reports shall be forwarded through the chain of command to the Chief of Police for review.
- E.** Generally, any inmate considered to be "at risk" or suicidal should be transferred to a medical facility or state institution as soon as is possible.
1. Inmate being transported shall have copy of their Suicide Assessment/Questionnaire and, their Observation Cumulative Form, and all records that pertain to the inmate.
  2. These reports shall be sealed in an envelope with the inmate's name, DOB; the envelope shall be stamped "CONFIDENTIAL" and addressed to the institution or hospital where the inmate is being transferred.

#### **422.060 PROPERTY OF DECEASED INMATE**

- A.** The property of the deceased shall be turned over to the investigating officer, who shall sign the Prisoner's Receipt for Personal Property on the inmate's booking sheet.
- B.** The property shall then become the responsibility of the investigating officer and shall be removed from the inmate's storage locker and/or cell.
- C.** No property shall be released to the inmate's family until the investigating officer has authorized the release.

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**CHAPTER 423**  
**ELECTRIC JAIL GATE**  
Chapter Revised 01/01/2012

**423.010 INTRODUCTION**

The electric jail gate shall be used to prevent the escape of inmates from the Jail Facility. It shall also be used to contain inmates in the booking area, and to prevent unwanted persons in the booking area.

**423.020 TIMES THE ELECTRIC JAIL GATE MUST BE CLOSED**

- A.** The on-duty Jail Officer shall close the gate whenever they enter either cellblock for any reason. The electric gate shall remain closed until the Jail Officer is out of the cellblock and has locked the cellblock door.
- B.** The on-duty Jail Officer shall close the gate anytime an inmate is in the booking area.
- C.** The on-duty Jail Officer shall close the gate whenever they are booking a prisoner. The on-duty Jail Officer shall close the gate when they are fingerprinting or photographing an inmate.
- D.** The on-duty Jail Officer shall close the gate whenever there are visitors in the booking area.
- E.** The on-duty Jail Officer shall close the gate when inmates are brought out of the cellblock in preparation to be taken or returned from court.
- F.** The on-duty Jail Officer shall close the gate when inmates are brought out of the cellblock in preparation for transportation to another institution.
- G.** The on-duty Jail Officer shall close the gate whenever a Class 3 inmate is out of their cell for any reason.
- H.** The on-duty Jail Officer shall close the gate whenever an inmate has been placed into the restraint chair.
- I.** The on-duty Jail Officer shall close the gate whenever there is a disturbance or potential disturbance in the Jail Facility.
- J.** The on-duty Jail Officer shall close the gate whenever they feel there is a potential security issue in the Jail Facility. This shall include time when shake down inspections are being conducted.

**423.030 TIMES THE ELECTRIC JAIL GATE MAY BE UNLOCKED**

- A.** The on-duty Jail Officer may leave the gate unlocked during periods when the inmates are normally locked down. This would include nightly lock down and at meal times.
- A.** The on-duty Jail Officer may leave the gate unlocked when they are completing applicant fingerprints.
- B.** The on-duty Jail Officer may leave the gate unlocked when they know they are going to be making frequent trips in and out of the Jail Facility for routine jail duties.
- C.** The on-duty Jail Officer may leave the gate open whenever an inmate is in the interview room with anyone other than an officer.

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**CHAPTER 424**  
**JAIL KEY CONTROL**  
Chapter Revised 01/01/2012

**424.010 INTRODUCTION**

One of the elements of Jail Facility security is key control. All of the jail keys must be readily available for use during routine operations as well as emergencies.

**424.020 USE OF THE JAIL KEYS**

- A. Only Jail Officers, Officers, and staff personnel shall have access to the Jail Facility keys.
- B. Jail Officers, Officers, and staff personnel shall exercise care when handling jail keys to prevent loss, misplacement, and access by inmates or other unauthorized persons. Jail Officers, Officers, and staff personnel shall not leave jail keys on the counter or on the Jail Log in the booking area.
- C. All Jail Officers, Officers, and staff personnel shall be sufficiently familiar with the jail key system, to handle routine business, and to assist during emergencies in the Jail Facility.
- D. All Jail Officers, Officers, and staff personnel shall be familiar with the locations of the Jail Facility keys. Jail Officers, Officers, and staff personnel will also know the locations of the spare Jail Facility keys.

**424.030 JAIL KEY SETS AND THEIR LOCATIONS**

- A. The on-duty Jail Officer's set of keys shall be kept in the locking two-drawer file cabinet in the booking area office.
- B. The on-duty Jail Officer's set of keys consists of nine individual keys, 2 Green keys, 2 Blue keys, 2 Brown keys, 1 Red key, 1 Yellow key, 1 Black key, a ring of building, vehicles and a handcuff key.
  - 1. At the beginning of each shift, the on-duty Jail Officer shall count this set of keys and log the count in the Jail Log.
  - 2. The Jail Officer being relieved will not leave until all nine of the Jail Facility keys are accounted for.
- C. The on-duty Jail Officer shall carry or have ready access to the small key containing building, vehicles and a handcuff key. This set of keys include a complete set of building keys, a key to the Services vehicle, handcuff key, a fingerprint cabinet key, a file cabinet key, a key to the inmate lockers and belly chains, and a medicine cabinet key.
- D. One set of the spare sets of Jail keys are on a large metal ring that shall be kept in the locked key box in Dispatch.
- E. The Green Key ring contains 3 keys, which, is also kept in the locked key box in Dispatch. The keys on the Green Key ring open the cellblock doors, the inmate lockers, and the medication cabinet.
- F. The Orange Key ring unlocks the front entryway door into the Jail Facility, and the door from the hallway into the male cellblock.
  - 1. This key is normally only used by Fire Department personnel coming into the Jail Facility.
  - 2. The small key on this key ring unlocks the padlock, which opens the hasp and gives access to the lock on the door from the hallway into the male cellblock.
  - 3. Since the Orange Key ring unlocks the main entryway it is not part of the Jail Officer's key set.
  - 4. The Orange Key ring shall not be kept in the Jail Facility.

5. The Orange Key rings shall be stored in the locked key box in Dispatch.
  6. The doorway from the hallway into the male cellblock is the emergency exit for the male cellblock.
  7. The large brass key on this ring is used to manually unlock the electric gate to the main entryway into the Jail Facility
- G.** The reserve set of keys shall be kept in the Services Lieutenant's office in the lower left hand desk drawer.
1. These keys shall be used in the unlikely event of theft or loss of other keys.
  2. The reserve key ring includes an additional Orange Key and a key to the padlock covering the hasp and the keyway on the Back Gate.

#### **424.040 FOLGER ADAMS JAIL KEY DESCRIPTIONS**

- A.** Green Taped Key unlocks the main cellblock doors to the male and female cellblocks.
- B.** Orange Taped Key (with padlock key and large brass key) unlocks the main door and the electric gate from the hallway into the Jail Facility, and the back gate at the outside hallway at the end of the male cellblock.
- C.** Yellow Taped Key unlocks the segregation cell door only.
- D.** Black Taped Key unlocks both cell doors in the female cellblock
- E.** Red Taped Key unlocks the cell doors to both the holding cell and the temporary holding cell.
- F.** There is a small key in the locked box in Dispatch and on the Jail Officer's key ring, which the opens the hallway door to the temporary holding cell.
- G.** Un-taped Key unlocks the access doors for the plumbing fixtures for all the cells.
- H.** Blue Taped Key unlocks the cell doors to cells 1, 2, 3, and 4 in the male cellblock.
- I.** Brown Taped Key unlocks the cell door to cell 5, the single bunk cell in male cellblock.

#### **424.050 SPECIAL SECURITY OPERATIONS**

- A.** When special security is needed, the Main Gate shall be closed prior to opening the cellblock door.
1. The electric gate key shall not be taken into the Jail Facility.
  2. The on-duty Jail Officer shall not take the Orange Key into the Jail Facility.
  3. When the cellblock door is secured the on-duty Jail Officer shall contact, an Officer or Dispatcher to re-open the Main Gate.

#### **424.060 KEY CONTROL**

- A.** All jail keys shall be kept in their assigned locations unless in the physical possession of the on-duty Jail Officer.
- B.** Keys shall be handled discreetly in the presence of inmates to prevent opportunity of theft or duplication.
- C.** Spare brass key blanks, used for duplication by the manufacturer, FOLGER ADAMS, are boxed and located in the Services Lieutenant's desk.

**CHAPTER 425**  
**FOOD SERVICES**

Chapter Revised 01/01/2012

**425.010 INTRODUCTION**

Sitka Police Department shall provide nutritious and adequate portions of food to all inmates housed in the Jail Facility with the exception of Title-47's.

**425.020 SOURCE OF MEALS**

- A. Sitka Police Department has a contract with Sitka Community Hospital to provide all meals served in the Jail Facility.
- B. Only food obtained from Sitka Community Hospital will be allowed into the Jail Facility.
  - 1. Inmates are now allowed to have food brought in by friends or family.
  - 2. Inmates are not allowed to order food for delivery to the Jail Facility.
  - 3. Inmates who order food from outside sources shall be subject to disciplinary action.

**425.030 EMERGENCY MEAL SERVICE**

If a meal is required after the Sitka Community Hospital kitchen is closed the on-duty Jail Officer may obtain a meal for an inmate from one of the local restaurants. This will normally be done for medical reasons or if an inmate is booked just prior to mealtime.

**425.040 SPECIAL DIETS**

All reasonable requests for diet for health or religious reasons will be accommodated. Sitka Community Hospital staff will be advised of these special requests when they call Dispatch for the counts. The on-duty Jail Officer should made note of any special diet requests when they are booking the inmate into the Jail Facility. There is a question on the Medical Screening for requesting special diets.

**425.050 MEAL PICKUP TIMES**

The on-duty Jail Officer will pickup breakfast at approximately 0730, lunch 1130 hours, and diner at 1730. On days when inmates are being transported the on-duty Jail Officer shall request dinner/sack lunched be ready by 1700 hours.

**425.060 MEAL SERVICE**

The on-duty Jail Officer shall lock down inmates during meal service unless the inmate is the only person on the cellblock. Meals will be served as soon as possible after pickup.

**425.070 COFFEE AND SNACKS**

- A. The on-duty Jail Officer shall not serve snack to the inmates. Inmates may save fruit, cookies, or chips from their regular meals. All food items in the cells shall be disposed of at the evening lockdown.
- B. The on-duty Jail Officer will serve coffee at mid-morning, mid-afternoon, and mid-evening. These times may vary depending on the Jail Officer schedule. Coffee will not be served after 2100 hours.

**425.080 UTENSILS**

- A.** When needed the on-duty Jail Officer shall give each inmate a plastic spork and knife. When the Jail Officer collects the meals and utensils they shall count the utensils to ensure they get all the utensils back.
- B.** The utensils shall be returned to Sitka Community Hospital to be washed for reuse.

**425.090 CONDIMENTS**

If requested an inmate will be given condiments in limited quantities. This includes sugar, creamers, salt, and pepper.

**CHAPTER 426**  
**JAIL FACILITY AND VEHICLE INSPECTIONS**  
Chapter Revised 01/01/2012

**426.010 INTRODUCTION**

For the protection of both employees and inmates, all Department personnel shall be alert for potential fire, sanitation, maintenance, and security hazards. Problems discovered shall be corrected as soon as practical.

At least once per week, the elements, compartments, and security components of the Sitka Jail Facility will be inspected for operational wear and detainee tampering. During these inspections, all holding areas and other areas to which inmates have access will be searched for contraband and cleanliness. Inmates will be removed from any cell that poses significant health or safety hazards. All defective security equipment will be repaired or replaced as soon as possible.

**426.020 ROUTINE ENTRIES INTO THE JAIL FACILITY**

- A. During the course of all routine jail activities and jail checks, all personnel shall be alert for, and immediately correct anything that poses a fire, sanitation, or security hazard.
- B. Hazards and maintenance that cannot be corrected immediately shall be thoroughly documented in the Jail Log and by memorandum to the Services Lieutenant. The on-duty Jail Officer shall call the on-call Building Maintenance personnel for any hazards or maintenance needing immediate attention
- C. The Services Lieutenant shall contact Building Maintenance and make arrangements to have the hazards and maintenance corrected as soon as possible.

**426.030 SHIFT INSPECTION**

- A. At the beginning of each shift the on-duty Jail Officer will complete a visual inspection of the entire Jail Facility. All problems shall be thoroughly documented in the Jail Log by the on-duty Jail Officer.
- B. Fire, sanitation, and security hazards shall be reported to the Services Lieutenant immediately by the person discovering them.

**426.040 WEEKLY INSPECTIONS AND REPORT**

- A. At the beginning of each workweek, the nightshift on-duty Jail Officer shall make an inspection of the jail facility for the specific purpose of identifying and correcting fire, sanitation, maintenance, and security hazards.
- B. The nightshift on-duty Jail Officer shall complete a Facilities Inspection Form and send it to the Services Lieutenant before filing.
- C. The Services Lieutenant shall review the Facilities Inspection Form and ensure necessary corrections are made.

**426.050 ANNUAL INSPECTIONS**

- A. In January each year, the Services Lieutenant shall arrange for a sanitation inspection by a qualified person from the appropriate State agency.
- B. The annual fire inspections shall be scheduled by Building Maintenance personnel.

**426.060 SEARCHES AND SHAKE DOWNS FOR CONTRABAND**

- A. During weekly inspections, the on-duty Jail Officer shall make a thorough search of the jail facility to ensure that no contraband or prohibited items are in any area of the Jail Facility.
- B. The on-duty Jail Officer shall search any cell or inmate at anytime they feel there could possibly be contraband or prohibited items in the Jail Facility.
- C. When conducting a shake down the on-duty Jail Officer shall use an on-duty Officer or call in additional Jail Officers to assist.
  - 1. All inmates shall be placed into a secured cell
  - 2. All male inmates shall be brought into the booking area, individually strip searched, given a change of clothing, and placed into a second secured cell.
  - 3. All female inmates shall be brought into the booking area, individually strip searched by a member of the same sex, given a change of clothing, and placed into a second secured cell.
  - 4. Cells shall be thoroughly searched by a minimum of two officers.
  - 5. Any contraband or prohibited items shall be turned over to the officers assisting with the search or the shift supervisor for possible prosecution.
- D. If contraband or prohibited items are located, the inmate assigned to that cell shall immediately be changed to a Class 3 inmate and be locked down.

**426.070 WEEKLY VEHICLE INSPECTIONS**

The Services Section vehicle will also be inspected. If safety defects are located during this inspection the vehicle will be taken out of service until repairs can be made.

- A. The weekend on-duty Jail Officer will conduct the weekly vehicle inspection and complete the Vehicle Inspection Maintenance Report Form. This form will be turned into the Services Lieutenant by Monday morning.
- B. The weekly inspection records will be maintained for 18 months. After 18 months have elapsed from the time of inspection, the weekly inspection record can be removed.

**CHAPTER 427**  
**COLOR CAMERA RECORDING SYSTEM**  
Chapter Revised 01/01/2012

**427.010 INTRODUCTION**

The Jail Facility color camera recording system shall be used to promote safety, security, effective management of the inmates in the Jail Facility. The Color camera recording system provides supplementary observation to regular jail checks but shall not be relied upon as a substitute for direct observations jail checks.

**427.020 COLOR CAMERA RECORDING SYSTEM**

- A.** The color camera recording system allows the on-duty Jail Officer increased observation of the inmate's activities, all cells, the common areas, and doorways of the Jail Facility.
  - 1. The color camera recording system allows the on-duty Jail Officer to detect and respond to illegal activities, problems or hazards in the Jail Facility.
  - 2. The color camera recording system shall be used to assist the on-duty Jail Officer to deter vandalism, tampering with Jail Facility equipment, escape, or possession of contraband.
- B.** The color camera recording system allows backup observation for close monitoring of suicidal or at risk inmates. The on-duty Jail Officer shall isolate and observe suicidal or high-risk inmates on the large monitor in the booking area of the Jail Facility.
- C.** Discretion should be exercised when inmates are changing clothes or disrobing. There is no right to privacy in a Jail Facility.
- D.** The Color camera recording system allows the on-duty dispatcher to observe Jail Officers, and officers while in the secure areas of the Jail Facility. The on-duty Dispatcher shall summon assistance for the on-duty Jail Officer or Officers, should it be needed.
- E.** The Color camera recording system allows the on-duty dispatcher to observe the activities of the inmates. The on-duty dispatcher shall report any unusual incidents, suspicious or criminal activities to the on-duty Jail Officer.

**427.030 CELLS EQUIPPED WITH COLOR CAMERA RECORDING SYSTEM**

- A.** All cells in the Jail Facility are equipped with color camera recording system.
- B.** The holding, segregation, female cells 1 and 2 shall be used by the on-duty Jail Officer to house prisoners whose demeanor; mental state, or physical condition presents a risk of harm to themselves or others.
- C.** The holding, segregation, female cells 1 and 2 shall be used by the on-duty Jail Officer to house inmates who may posed a threat to the order and/or security of the Jail Facility.

**427.040 PRIVACY**

- A.** The color camera recording system is designed to provide inmates with a reasonable amount of privacy in the sink area of the cells.
- B.** If additional privacy is warranted for a short period to allow a change of clothing, the on-duty Jail Officer shall monitor another color camera for a reasonable period of time.
- C.** If an inmate is inadequately dressed or they remove their clothing they shall be directed by the on-duty Jail Officer where to dress, and provided with appropriate form of cover. The on-duty Jail Officer shall remind the inmate they are being monitored and recorded on color camera recording system.

**427.050 CCTV DIGITAL RECORDER**

- A.** All activities and telephone calls that occur in the Jail Facility are digitally recorded.
  - 1. Inmates are not recorded while they are in the area of the sinks of their cells.
  - 2. These digital recording are normally available for thirty days.
  - 3. The digital recording shall be retrieved and saved on a DVD by the police technician
  
- B.** The on-duty Jail Officer shall make the Services Lieutenant aware of any unusual incidents that occur in the Jail Facility.
  - 1. When needed the Services Lieutenant shall contact the police technician and have a DVD copy of the incident made.
  - 2. The Services Lieutenant shall enter the copy of the DVD into the Department's evidence system.

**CHAPTER 428**  
**EMERGENCY GUIDELINES**  
Chapter Revised 01/01/2012

**428.010 INTRODUCTION**

It is absolutely essential that emergency plans be executed correctly in an expedient manner when an emergency arises. This shall insure the safety and well being of the public, Departmental personnel, and inmates. All personnel shall remain calm and carry out emergency procedures in a correct, safe, and orderly manner.

**428.020 PRIORITIES DURING AN EMERGENCY**

- A.** The on-duty Jail Officer shall follow these procedures in case of an emergency inside the Department.
  - 1. The evacuation and safety of the general public within the Department when the emergency occurs.
  - 2. The safety and welfare of all Department personnel.
  - 3. The safety of any hostages.
  - 4. The safety and welfare of all inmates.
  - 5. The protection of property.
  - 6. The restoration of order and control.

**428.030 ESTABLISHING AUTHORITY**

- A.** The on-duty Jail Officer is initially responsible for implementing the appropriate jail emergency plan.
- B.** The on-duty jail officer shall remain in charge of all Jail Facility related emergencies until specifically relieved of that responsibility by a person of higher authority. A person of higher authority may be the shift supervisor, a sergeant, either lieutenant, and/or the Chief of Police.

**428.040 TRAINING**

- A.** All Jail Officers, Police Officers, the Traffic Officer and Dispatch personnel shall be trained in the emergency plans and procedures for the jail.
- B.** The Jail Officer Field Training Officer(s) shall include emergency training in their instruction to trainees. This information shall be recorded in the Jail Officer trainees training records.
- C.** The Services Lieutenant shall coordinate in-service training as needed to ensure all personnel receive required training.

**428.050 EMERGENCY DRILLS**

- A.** The Services Lieutenant shall schedule yearly emergency drills.
- B.** The Services Lieutenant shall conduct the emergency evacuation drills in the Jail Facility. These training drills shall include Jail Officers, Officers, the Multi-Services Officer, and Dispatch personnel.
- C.** The Services Lieutenant shall maintain documentation of all emergency drill training.

**428.060 TSUNAMI EVACUATION**

In the event of a tsunami, all Jail Officers will be called out and directed to report to the EOC (see OPM Chapter 226 for more information). If no jail officer is on duty, the first two jail officers notified will be directed to report to the jail and assist in the evacuation of prisoners, if necessary. Off-duty Jail Officers who become aware of a tsunami warning may report without waiting for a call-out.

- A. *Supervision of jail evacuation.*** If on-duty, the jail officer will be responsible for transport and disposition of prisoners evacuated. If no jail officer is available, the Support Services Lieutenant will be notified.
- B. *Transportation of prisoners.*** Prisoners remaining in custody will be transported to the designated holding area adjacent to the EOC. The following guidelines should be used when time permits. Deviations are permissible if required to complete an evacuation prior to the arrival of a tsunami.
  - 1. All Prisoners – Transporting officers shall handcuff prisoners and shall not transport more than 3 prisoners in each patrol car. (Extra handcuffs and other restraints can be located in the jail “Restraints” cupboard.)
  - 2. High Risk Prisoners – Prisoners considered violent or a flight risk will be transported in additional restraints, and as needed, with additional officers.
  - 3. Juveniles and Female Prisoners – Juveniles and female prisoners will be transported in separate vehicles and kept separated in the holding area. This may require additional officers to maintain control and segregation of prisoner groups.
- C. *Supervision of prisoners at the holding area.*** Once prisoners arrive at the holding area they will be supervised by an officer at all times.

**428.070 FIRE ALARM EVACUATION**

In case of a fire alarm, one of the Department’s primary concerns is the security and safety of jail inmates. Department personnel must evaluate the extent and nature of any fire and maintain a reasonable security level consistent with the level of danger to the inmates.

- A.** The on-duty Jail Officer shall do an immediate assessment of the Jail Facility and advise Dispatch of the situation. All Jail Officers shall keep in mind that a fire or fire alarm may be used as a distraction to attempt a jail escape.
- B.** If there is no sign of fire or smoke in the Jail Facility, the on-duty Jail Officer shall do an inmate count and a thorough jail check of all cells including unoccupied cells.
- C.** The on-duty Jail Officer shall not evacuate the Jail Facility unless fire or smoke is verified.
- D.** The on-duty Jail Officer shall thoroughly document all information regarding the alarm in the Jail Log.
- E.** If evacuation is not required, the on-duty Jail Officer shall remain in the Jail Facility.
- F.** The on-duty Jail Officer shall keep the inmates awake and prepared to be evacuated until the emergency is over.
- G.** An Officer shall be assigned to check the rest of the City/State Office Building for smoke, or other reasons the alarms may be sounding.
- H.** The on-duty Jail Officer shall evacuate anytime there are flames or smoke visible within the Jail Facility.
- I.** The on-duty Jail Officer shall unlock cell doors and have the inmates evacuate the block in an orderly manner.
  - 1. The on-duty Jail Officer shall instruct the inmates to stay low and crawl out of the Jail Facility.
  - 2. The on-duty Jail Officer can open the door at either end of the male cellblock to evacuate male inmates.

3. The on-duty Jail Officer shall keep control of the inmates until the emergency is over. Inmates may be handcuffed one-to-another in a chain style once they have been removed to a safe area.
  4. The on-duty Jail Officer may call in additional Jail personnel to assist with the control of the inmates.
  5. The on-duty Jail Officer shall attempt to keep Dispatch appraised of the situation in the Jail Facility.
- J.** If it can be done safely, the on-duty Jail Officer shall attempt to extinguish the fire.
- K.** The on-duty Jail Officer shall remove the source of the flame or smoke from the Jail Facility, only if it can be done safely. This could include a blanket, mattress, pillow, magazines, books, or other flammable material. If needed, the on-duty Jail Officer shall request Fire Department fans to ventilate the cellblock.
- L.** If it is determined the Jail Facility cannot be used, the on-duty Jail Officer shall take the inmates being held on felony charges as a group to the assigned room at the Keet Gooshi Heen School. The on-duty Jail Officer shall contact the Court and request that all misdemeanor inmates be released until the Jail Facility is useable again.
- M.** The on-duty Jail Officer shall be responsible for the inmates until the Jail Facility is usable again, until h/she is relieved, or other arrangements for housing the inmates are made.

#### **428.080 DISPATCH RESPONSE TO A FIRE ALARM AT CITY STATE BUILDING**

- A.** Dispatch shall immediately call the Fire Department and describe the situation as known.
- B.** Dispatch shall notify patrol supervisor, Officers, and all on-duty personnel to respond to the station for a fire alarm.
- C.** Dispatch shall remove all jail key sets and building master key sets, and have the keys available to assist the responding patrol supervisor, Officers, and fire fighters.
- D.** Dispatch shall make general department notifications and call outs as needed to assist in the control and evacuation of the inmates from the Jail Facility and other personnel from the Building.

#### **428.090 POLICE OFFICER RESPONSE TO A FIRE ALARM AT CITY STATE BUILDING**

- A.** Officers shall respond code 2 to the fire alarm call.
- B.** Officers shall respond code 3 if the fire has been verified.
- C.** Officers shall assist the Jail Officer in a thorough check of the Jail Facility, or evacuation as needed.
- D.** If evacuation is required, Officers shall provide assistance to the Jail Officers with the inmates.
- E.** Officers shall assist the Fire Department with checking the building for cause of the fire alarm.

#### **428.100 OTHER EMPLOYEES AT THE CITY STATE BUILDING DURING A FIRE ALARM**

Employees not directly involved in critical operations of the Department shall be instructed to evacuate the building.

#### **428.110 RESOURCES**

- A.** The Fire Department shall be called for every fire alarm at the City State Building.
- B.** An ABC fire extinguisher is located on the back wall of the Booking Area of the Jail Facility.
- C.** An ABC fire extinguisher is located in the hose cabinet in the main hallway, just outside the Jail Facility entrance.

- D.** A fifty-foot fire hose is located in the cabinet just outside the Jail Facility entrance, as well as a main water connection. To use the fire hose, pull the hose completely off the rack and make sure there are no kinks in it, turn the water supply on at the valve inside the cabinet.

**428.120 ALARM SOURCE IDENTIFICATION AND ALARM SILENCING**

- A.** The fire alarm panel is behind the door in the Electrical Room, which is located off the building's main hallway, next to the back stairwell to the court offices. The on-duty Jail Officer has a key to this room on the Jail Facility key ring. A second key to this room is located in Dispatch.
- B.** The fire alarm panel displays a bank of red lights. A red light on the fire alarm panel will be flashing. This flashing red light shall indicate the source of the alarm within the building.
- C.** The person checking the fire alarm panel shall notify Dispatch, who in turn shall notify the Fire Department of the source location.
- D.** The person checking the fire alarm panel shall allow the Fire Department personnel turn off or reset the alarm.