

Spokane County Sheriff's Office

Policy Manual

SHERIFF'S PREFACE

The Spokane County Sheriff's Office is an organization whose very existence is justified solely on the basis of service to the community. Although Sheriff's Office policies provide employees a working pattern, their official activity must not be confined to the limited orbit described by them. Actually, dealing with criminals is a minor part of our overall responsibility. A greater percentage of time and energy is expended on non-criminal functions and in dealing with the law abiding citizens of the community. We should consider it our duty and privilege, not only to protect citizens from criminals, but also to protect and defend the rights guaranteed under our structure of government. It may be said that matters of civil law are not a basic police responsibility and within reasonable limits, we should avoid becoming entangled in them. However, many situations can best be served only when we assist in such matters. Our broad philosophy must embrace a whole-hearted determination to protect and support individual rights while at all times providing for the security of persons and property in the community. In meeting this objective, it is our duty to operate as a public service organization.

Policy and Procedure governs those acts not covered by labor/management contracts.

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SPOKANE COUNTY SHERIFF'S OFFICE CODE OF ETHICS, ETHICAL VALUES AND SHERIFF'S EXPECTATIONS AND STANDARDS OF CONDUCT

SPOKANE COUNTY SHERIFF'S OFFICE CODE OF ETHICS

As a law enforcement officer, my fundamental obligation is to uphold the constitutional rights and freedoms of the people whom I have been sworn to protect

I vow to perform all my duties in a professional and competent manner. I consider the ability to be courageous in the face of danger and exercise restraint in the use of my powers and authorities to be the ultimate public trust. I accept that I must consistently strive to achieve excellence in learning the necessary knowledge and skills associated with my duties. I will keep myself physically fit and mentally alert so that I am capable of performing my duties according to the standards of quality expected of my position.

I vow to be fully truthful and honest in my dealings with others. I deplore lies and half-truths that mislead or do not fully inform those who must depend upon my honesty. I will obey the very laws I am sworn to uphold. I will seek affirmative ways to comply with the standards of my agency and the lawful directions of my supervisors.

I vow to treat others with courtesy at all times. I consider it to be a professional weakness to allow another's behavior to dictate my response. I will not allow others' actions or failings to be my excuse for not performing my duties in a responsible, professional and expected manner.

I vow to empathize with the problems of people whom I come in daily contact. However, I cannot allow my personal feelings, prejudices, animosities, or friendships to influence the discretionary authorities entrusted to me. I will affirmatively seek ways to avoid conflicts and potential conflicts of interest that could compromise my official authority or public image.

While I consider the way I choose to conduct my private affairs a personal freedom, I accept the responsibilities for my actions, as well as inactions, while on-duty or off-duty, when those actions bring disrepute on the public image of my employer, my fellow officers, and the law enforcement profession.

I hold the authority inherent in my position to be an affirmation of the public's trust in me as a law enforcement officer. I do not take this trust lightly. As long as I remain in this position, I will dedicate myself to maintaining this trust and upholding all the ideals of the law enforcement profession.

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SPOKANE COUNTY SHERIFF'S OFFICE ETHICAL VALUES

Trustworthiness:

Trustworthiness is one of the most important ethical values and brings together qualities such as honesty, integrity, reliability and loyalty. **Earned** trust allows the community to feel secure and assures them we will meet our obligations. Our ability to function as an organization rises and falls upon this value and it must be jealously guarded to ensure our continued success. The esteem the community holds for the Spokane County Sheriff's Office is based squarely on each member's honesty, integrity, reliability and loyalty.

Responsibility:

Our commitment to achieving our mission for the people of Spokane County can only be secured through a responsible, reliable and affirmative effort. Responsibility incorporates qualities such as accountability self-restraint, and the pursuit of excellence. We must accept the responsibilities for our actions as well as inactions while on-duty or off-duty, when those actions bring disrepute on the image of the Spokane County Sheriff's Office and fellow members. We shall uphold and follow through on promises and commitments so we can be relied upon.

Respect:

This organization revolves around the respect to our duty, mission and the community. Respect in the Sheriff's Office is demonstrated through the courteous treatment we offer each other in the conduct of our daily business. We strive to treat others with courtesy and respect at all times; not because of whom they are but because of who we are. We will maintain our professionalism by not allowing another's behavior to dictate our response. Our duties will be carried out in a respectful and professional manner regardless of the actions of others.

Fairness:

We shall seek to be fair in adhering to a balanced standard of impartiality, equality, openness and due process without relevance to our feelings or inclinations. We will seek out relevant information and conflicting perspectives before making important judgments and decisions. Our decisions must be made without favoritism or prejudice and we shall not take advantage of weakness or ignorance in others.

Caring:

We must empathize with the problems of people whom we work with and contact on a daily basis. Sometimes we must make decisions that may cause people both emotional and physical pain. In doing so, one should be consciously aware to cause no more discomfort than is reasonable and necessary to perform one's duties. A

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person who is caring will feel an obligation to be trustworthy, responsible, respectful, fair, and promote good citizenship.

Citizenship:

The Spokane County Sheriff's Office exists for the service it provides to the community. We consider it our duty to deliver friendly, beneficial service, which promotes our mission. Members are encouraged to provide community service outside of their normal work environment through civic groups, athletics, churches and other forms of volunteerism.

SHERIFF'S EXPECTATIONS AND STANDARDS OF CONDUCT

- Do nothing to dishonor your badge or the Sheriff's Office
- Do your job
- Treat people with courtesy and respect/no harassing or bullying
- Stay within the boundaries of reasonableness
- No lying or any communication intended to deceive, including lack of forthrightness (i.e., memory loss, omission, etc.)
- No insubordination
- No abuse of authority
- Say what you mean and mean what you say
- Only say what you are willing to sign your name to
- Agree to disagree
- No pot stirring/rumor mongering - intentionally causing dissension/disruption

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**SPOKANE COUNTY SHERIFF'S OFFICE MISSION
STATEMENT**

The Spokane County Sheriff's Office will be a positive influence in our community by continuing to improve, promote, preserve and deliver quality services that result in a feeling of safety and security.

The Spokane County Sheriff's Office will accomplish this Mission by working in partnership with the community to enhance our law enforcement effectiveness.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.2 PEACE OFFICER POWERS

Sworn members of this Department shall be considered peace officers as defined by RCW 9A.04.110(13) and RCW 9A.04.110(15). The authority of any such peace officer to make an arrest without a warrant is enumerated in RCW 10.31.100, and includes:

- (a) When the peace officer has probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant.
- (b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in RCW 10.31.100, subsections (1) through (11).

100.3 CONSTITUTIONAL REQUIREMENTS

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

100.4 SPOKANE SHERIFF'S SPECIAL DEPUTY COMMISSIONS

Special Deputy Commissions may be issued in accordance with RCW 36.28.020 by the Sheriff or designee to persons who have a need for limited enforcement authority.

100.4.1 DEFINITIONS

The Sheriff's Office recognizes certain persons require limited or full law enforcement authority who are not regularly employed as Spokane County Deputy Sheriffs. The Sheriff, in meeting his responsibility of maintaining public peace and safety, may issue special deputy commissions to certain individuals as allowed under authority of RCW 36.28.020. Persons receiving special deputy commissions will subscribe to the procedures established within standards of issuance.

A "Special Deputy" is an individual having a commission from the Sheriff to exercise the powers of a law enforcement deputy limited to the scope of his/her employment and the terms of his/her commission.

- (a) Special Deputy Commission I: Law enforcement arrest power may be limited to duty assignment, location, presence, or supervision of Sheriff, or deputy sheriff, or combination thereof.
 - 1. Must be employed by a government agency.
 - 2. Will not carry a firearm in connection with any duties approved or implied by the issuance of this commission, nor will there be any assumption of the approval of the carrying of a firearm through this issuance. The Sheriff by written authorization may allow individual exception.

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- (b) Special Deputy Commission II: Law enforcement arrest power is limited to warrant service, civil duties, court duties, prisoner transport duties or other duties related to inmate security.
 - 1. Must be employed by a government agency.
 - 2. Will not act as a representative of the sheriff by word, except where given specific prior approval by the sheriff.
 - 3. Will not carry a firearm in connection with any duties approved or implied by the issuance of this commission, nor will there be any assumption of the approval of the carrying of a firearm through this issuance. The sheriff by written authorization may allow individual exception.

- (c) Special Deputy Commission III: Law enforcement arrest powers may be limited to duty assignment, location, presence, or supervision of sheriff or deputy sheriff, or combination thereof.
 - 1. Will not act as a representative of the sheriff by word, except when given specific prior approval by the sheriff.
 - 2. Will not carry a firearm in connection with any duties approved or implied by the issuance of this commission, nor will there be any assumption of the approval of the carrying of a firearm through this issuance. The sheriff by written authorization may allow individual exception.

100.4.2 SPECIAL DEPUTY COMMISSION ELIGIBILITY

Everyone requesting a special deputy commission will be given an application form to fill out. To be eligible for a commission the applicant, at the time of application must:

- (a) Be at least twenty-one years of age. (The Sheriff, by written authorization, may allow individual exception to the age requirement for a Special Deputy Commission.)
- (b) Be a citizen of the United States.
- (c) Have a high school diploma or equivalent.
- (d) Be of good moral character.
- (e) Not have been convicted of a felony, a crime of moral turpitude, a crime involving a controlled substance, or a domestic violence crime.
- (f) Not have been involuntarily committed to an institution or treatment program for a mental disorder, or alcohol or controlled substance abuse.

The conferral of a Special Deputy Commission does not affect the employer/employee relationship between the applicant and the employer. The employer remains responsible for the acts of the applicant (a.k.a. Special Deputy) within the scope of his/her employment until the applicant or his/her employer notifies the Sheriff of termination of employment.

100.4.3 INSURANCE AGREEMENT

As provided under Policy 100.4.2, the employer not the Sheriff's Office remains responsible for the acts of the special deputy. This responsibility continues until the employee or employer notifies the Sheriff's Office of termination of employment. The employer will provide sufficient proof (e.g., declaration sheet) it has Commercial General Liability ("CGL") and/or other liability insurance in the amounts of \$1,000,000.00 per occurrence covering personal injury and false arrest and \$1,000,000.00 for property damage. A copy of the proof of insurance (declaration sheet) shall be provided to and approved by the Spokane County Risk Manager prior to processing by the Sheriff's Training Unit.

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100.4.4 SPECIAL DEPUTY TRAINING

Individuals who apply for a special deputy commission will be required to attend training, prior to receiving the commission. The Sheriff's Office Training Unit will approve all training for special deputies. Following is the minimum training requirements:

- (a) Special Deputy Commission I: Washington State Certified Reserve Academy, B.L.E.A., or Animal Control Officer Academy.
- (b) Special Deputy Commission II: Special training for the duty assignment.
- (c) Special Deputy Commission III: Washington State Certified Reserve Academy or B.L.E.A., Spokane County special training session, or Spokane City special training session, and have at least ninety days experience in security affairs with the applicant's employer. The Sheriff may waive this qualification if the subject is employed and the training unit determines the applicant has ninety days experience in security affairs with a previous employer and has completed the special training session of either the county, city or other approved training.

100.4.5 SPECIAL DEPUTY COMMISSION RENEWAL

All special deputy commissions need to be renewed in January following the election of the Sheriff. Renewal costs will be the cost of processing and training. It is the prerogative of the Sheriff to waive any and all costs associated with special commissions.

All special commissions expire if not renewed, or if the individual holding the Office of the Sheriff changes. Commissions are governed solely by the Sheriff, and as such, can be removed at any time without cause. When expired or removed, all commission cards will be returned to the training supervisor, and an updated list of active special commissions will be sent to the forensics unit.

100.5 OTHER DEPUTY COMMISSIONS

Deputy commissions from other law enforcement agencies may be issued to Spokane Sheriff's Deputies when necessary and/or desirable. No Spokane Sheriff's Deputy may accept a commission from another agency without prior notice and permission from the Spokane County Sheriff.

100.5.1 AUTOMATIC TERMINATION OF SPECIAL DEPUTY COMMISSION

The authority granted by any special deputy commission shall immediately cease once a person is terminated, quits, resigns or is transferred from the employment or position for which the special deputy commission was originally authorized. It shall be the responsibility of the employer to collect and return to the Sheriff's Training Supervisor all of the equipment issued to the person by the Sheriff's Office. This equipment may include, but not limited to, special deputy commission cards, ticket books and report forms. The Sheriff's Office assumes no liability for damages resulting from an employer's failure to comply with this policy.

Law Enforcement Certification

102.1 PURPOSE AND SCOPE

All sworn deputies employed by the Spokane County Sheriff's Office shall receive certification by CJTC prior to assuming law enforcement duties and responsibilities, and shall begin attending an approved academy within the first six months of employment (RCW 43.101.095(1); RCW 43.101.200(1)).

102.2 FIRST LEVEL SUPERVISOR CERTIFICATION

All sworn first level supervisors (i.e. corporals and sergeants) will comply with the minimum requirements for supervisory certification by the Washington State Criminal Justice Training Commission and will obtain such certification in compliance with WAC 139-25-110.

102.3 MIDDLE-MANAGERS CERTIFICATION

All sworn middle-managers (i.e. lieutenants) will comply with the minimum requirements for middle management certification by the Washington State Criminal Justice Training Commission and will obtain such certification in compliance with WAC 139-25-110.

Oath of Office

104.1 PURPOSE AND SCOPE

Deputies of this department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

104.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer.

All sworn employees shall comply with the oath of office and agency policies, including the duty to be truthful and honest in the conduct of official business.

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106.1 PURPOSE AND SCOPE

The manual of the Spokane County Sheriff's Office is hereby established and shall be referred to as "The Policy Manual." The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this department. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Spokane County Sheriff's Office provides law enforcement contract services to the City of Spokane Valley. All Sheriff employees assigned to the City of Spokane Valley will adhere to Sheriff's Office policies in this manual.

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

106.1.1 DISCLAIMER

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

106.2 RESPONSIBILITIES

The ultimate responsibility for the contents of the manual rests with the Sheriff. Since it is not practical for the Sheriff to prepare and maintain the manual, the following delegations have been made:

106.2.1 SHERIFF

The Sheriff shall be considered the ultimate authority for the provisions of this manual and shall continue to issue General Orders which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

106.2.2 STAFF

Staff shall consist of the following:

- Sheriff
- Undersheriff

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- Inspector
- Chief Criminal Deputies
- Detention Services Commander
- Sheriff's Information Systems Coordinator

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

106.2.3 OTHER PERSONNEL

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

106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

The purpose of this section is to provide examples of abbreviations and definitions used in this manual.

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- General Orders may be abbreviated as "GO" .
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X".

106.3.2 DEFINITIONS

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

Adult - Any person 18 years of age or older.

C.F.R. - Code of Federal Regulations

Correction Deputy - Any deputized correction officer

County - The County of Spokane

CJTC - The Criminal Justice Training Commission

Department/SCSO - The Spokane County Sheriff's Office

DOL - The Department of Licensing

Employee/Personnel - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

Manual - The Spokane County Sheriff's Office Policy Manual

May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed or appointed by the Spokane County Sheriff's Office including sworn deputies, reserve deputies, civilian employees and volunteers.

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Deputy/Sworn - Those employees, regardless of rank, who are sworn employees of the Spokane County Sheriff's Office.

On-Duty - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

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

Rank - The job classification held by a deputy.

RCW - The Revised Code of Washington

Sergeant - Interchangeable with field supervisor, field sergeant and shift supervisor.

Shall or Will - Indicates a mandatory action.

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

U.S.C. - United States Code

WAC - The Washington Administrative Code

WSP - The Washington State Patrol

106.3.3 DISTRIBUTION OF MANUAL

Electronic copies of the Policy Manual shall be distributed to the following on request:

- Sheriff
- Undersheriff
- Inspector
- Chief Criminal Deputies
- Detention Services Commander
- Administrative Lieutenant
- Administrative Sergeant
- Training Unit
- Shift Commander
- Field Sergeant's Office
- Investigative Division
- Deputy's Roll Call rooms

An electronic version of the Policy Manual will be made available to all employees on the Department network. The electronic version will be limited to the viewing and printing of specific sections. No changes shall be made to the electronic version without authorization.

106.4 POLICY MANUAL ACCEPTANCE

As a condition of employment, all employees are required to read and obtain necessary clarification of the Sheriff's Office policies. Each member is required to sign a Statement of Receipt acknowledging that they have received a copy of the Policy Manual and understand they are responsible to read and become familiar with its contents.

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106.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the Department Intranet under the title Policy Manual Revisions. The Lexipol Administrator will forward revisions to Policy Manual when ever the Policy Manual is updated to all personnel via electronic mail and will make the current Policy Manual available on the Lexipol website . Each employee shall acknowledge receipt by using the Lexipol website manual viewing process and seek clarification as needed.

Each unit commander/manager will ensure that employees under his/her command are made aware of any Policy Manual revisions in a timely manner.

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Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Sheriff's Office is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

200.2 DIVISIONS

The Sheriff is responsible for administering and managing the Spokane County Sheriff's Office. There are four divisions in the Sheriff's Office as follows:

Divisions

- Administration Division
- Patrol Division
- Investigation Division
- Detention Services Division

200.2.1 INVESTIGATION DIVISION

The Investigation Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Investigation Division. The Investigation Division consists of the Crimes Against Person Unit, Crimes Against Property Unit, the Investigative Task Force, Gang Enforcement unit, Crime Analysis, the Regional Drug Task Force, Criminal Intelligence unit, SPOCAT and the Forensic unit.

200.2.2 DETENTION SERVICES DIVISION

The Detention Services is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Detention Services Division. The Detention Services Division consists of the Corrections Unit, Medical Unit, Classification Unit, and Booking and Administration Unit.

200.2.3 PATROL DIVISION

The Patrol Division is divided into two precincts. The City of Spokane Valley Precinct is commanded by an Inspector of the Sheriff's Office (also known as Chief of Police, City of the Spokane Valley), whose primary responsibility is to provide general management direction and control for that Precinct and for all law enforcement activities within the City of Spokane Valley, to include, Uniformed Patrol, Traffic Enforcement, Investigation of Crimes against Property, Fleet Management, Communications, School Resource Deputies and other Special units.

The Downtown Precinct is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Precinct. The Downtown Precinct consists of Uniformed Patrol, Traffic unit, K-9 unit and other specialty units.

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Organizational Structure and Responsibility

200.2.4 ADMINISTRATIVE DIVISION

The Administration Division is commanded by the Undersheriff whose primary responsibility is to provide general management direction and control for the Administration division. The Administration Division consists of Technical Services and Administrative Services

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Sheriff's Office. During planned absences the Sheriff will designate a Division Commander to serve as the acting Sheriff.

Except when designated as above, the order of command authority in the absence or unavailability of the Sheriff is as follows:

- (a) Undersheriff
- (b) Inspector
- c. Captain - Patrol
- d. Captain - Investigative
- e. Captain - Detention Services

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order which outwardly appears to be in direct conflict with any federal or state law, or local ordinance. If the legality of an order is in doubt the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal. Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, departmental policy, or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

200.3.5 RANKS OF AUTHORITY

The following ranks of authority will establish the chain of command within the Sheriff's Office:

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Organizational Structure and Responsibility

Sheriff: Elected by the citizens of Spokane County.

Undersheriff: A commissioned deputy appointed by the Sheriff to exercise general supervision.

Inspector: A commissioned deputy appointed by the Sheriff and responsible for command of the City of Spokane Valley Precinct.

Captain: A person appointed by the Sheriff as Chief Criminal Deputy or Detention Services Commander or selected by the Sheriff from a certified civil service list.

Lieutenant/Corrections Lieutenant: A commissioned deputy or corrections deputy appointed by the Sheriff from a certified civil service list to command one or more units within a division.

Unit Manager: A non-commissioned position appointed by the Sheriff from a certified civil service list responsible for supervising and directing the activities of a unit within the Sheriff's Office.

Sergeant/Corrections Sergeant/Communications Supervisor/Unit Supervisor: A commissioned, limited commissioned, or non-commissioned position appointed by the Sheriff from a certified civil service list and responsible for first level supervision in their respective area of assignment.

Detective/Corporal: A commissioned deputy appointed by the Sheriff from a certified civil service list responsible for investigative or supervisory tasks as designated by a commissioned officer of superior rank.

Deputy: A commissioned deputy appointed by the Sheriff from a certified civil service list who is subordinate to all other commissioned ranks within the Sheriff's Office.

Corrections Deputy/Communications Officer/Non-Commissioned or Limited Commissioned

Employees: Appointed by the Sheriff from a certified civil service list. These employees are under the direct supervision of the various commanding officers of the units to which they are assigned.

200.3.6 COMMAND PROTOCOL IN EXCEPTIONAL SITUATIONS

It is the policy of the Spokane County Sheriff's Office to use the Incident Command System (ICS) in the management of exceptional situations including, but not limited to: SWAT operations, EDU operations, major crime scenes, significant collision investigations and situations requiring significant public evacuation.

General Order

204.1 PURPOSE AND SCOPE

General Orders establish an interdepartmental communication that may be used by the Sheriff to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding and Collective Bargaining Agreements. General Orders will immediately modify or change and supersede sections of this manual to which they pertain.

204.1.1 GENERAL ORDER PROTOCOL

General Orders will be incorporated into the manual as required upon approval of Staff. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing General Orders have now been incorporated in the updated Policy Manual.

Any General Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 09-01 signifies the first General Order for the year 2009.

204.2 RESPONSIBILITIES

204.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a General Order.

204.2.2 SHERIFF

The Sheriff shall issue all General Orders.

204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all departmental directives.

Spokane Comprehensive Emergency Management Plan

206.1 PURPOSE AND SCOPE

The Spokane City/County Comprehensive Emergency Management Plan (CEMP) is a living document and contains Emergency Support Functions (ESF's) relative to many disciplines to include law enforcement. The ESF's describe the who, what, why and when of each discipline in preparation planning for major incidents or disasters. Law enforcement is tasked with lead and support roles in several ESF's. The primary ESF for law enforcement is ESF 13 (Public Safety, Law Enforcement and Security).

206.1.1 SPOKANE COUNTY

The Spokane County Department of Emergency Management is identified in Spokane County Code #1.08 in compliance with the Revised Code of Washington RCW38.52. Spokane County through an Interlocal Agreement authorized by RCW 38.52.070 and WAC 118-30-050, has incorporated all cities and towns within Spokane County into a single program and has identified the Sheriff as Director of Spokane Department of Emergency Management.

206.2 THE SPOKANE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP)

The CEMP is a living document that is to be used as a discipline specific planning tool when developing or reviewing current planning efforts. After each major event or disaster, each discipline should review the plan and respective lead or supporting ESF during after action reviews to determine if updates to the CEMP need to be made or any short falls exist within discipline response planning.

The Emergency Coordination Center (ECC) is functional 24 hours a day/7 days a week through the Department of Emergency Management (DEM) duty officer. Requests for resources are coordinated through the duty officer on day-to-day need. In the event the incident escalates or is at or anticipated to be of a large scale, the physical location is activated by the DEM duty officer in coordination with the on-scene commander. The ECC manager utilizes the CEMP/ESF's from information provided through the Incident Command System on the current event and any possible perceived needs, to notify other disciplines for situational awareness or response to the ECC. Once the ECC is established as a physical location resource requests outside of jurisdictional resources are requested through the ECC (single source ordering).

206.2.1 RECALL OF PERSONNEL

In the event of a major incident or disaster, all employees of the Spokane County Sheriff's Office are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or authorized designee.

Failure to respond to an order to report for duty may result in discipline.

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Spokane Comprehensive Emergency Management Plan

206.3 LOCATION OF SPOKANE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

The Spokane Comprehensive Emergency Management Plan (CEMP) is available in Administration and the shift commander's office as well as available on the Spokane Department of Emergency Management website <http://www.spokanecounty.org/emergencymgmt/content.aspx?c=2667>.

206.3.1 SUPERVISORS AND TRAINERS RESPONSIBILITIES

All supervisors and trainers should familiarize themselves with the CEMP and the roles for Sheriff's Office personnel. They should also be responsible for the planning and training needs in support of the CEMP.

In support of notification and evacuation, all supervisors should be aware of and trained to the policies and procedures of Alert Spokane (Emergency Notification System). Alert Spokane policy and procedures are located at <\\spokanecounty.org\countysheriff\Data\LexipolPolicy\ENS Policy & Procedure.pdf>.

206.4 BUILDING EVACUATION PLAN

In the event of a disaster or emergency which requires evacuation of the public safety building or satellite offices, all employees shall follow implemented evacuation plans and posted exit strategies. The posted exit strategies shall include any special directions for physically impaired employees (WAC 296.24.567).

206.5 UPDATING OF THE SPOKANE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

The Sheriff or authorized designee shall review the CEMP at least once every two years and after a major event, disaster or exercise to ensure that the CEMP conforms to the expectations of the plan.

206.6 TRAINING

The Spokane County Sheriff's Office should provide and/or participate in annual training in the roles and responsibilities outlined in the CEMP to all supervisors and other appropriate personnel. Training and exercises should incorporate expectations annotated in the CEMP.

Training Policy

208.1 PURPOSE AND SCOPE

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

208.2 PHILOSOPHY

The Sheriff's Office seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Sheriff's Office will use courses certified by the Washington Criminal Justice Training Commission (CJTC).

208.3 OBJECTIVES

The objectives of the Training Program are to:

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

208.4 TRAINING PLAN

A training plan for all employees will be developed and maintained by the Training Sergeant. It is the responsibility of the Training Sergeant to maintain, review, and update the training plan on an annual basis. The plan will ensure, at minimum, the following:

- (a) All sworn members will successfully complete an annual in-service training program of no less than 24 hours that includes the following required CJTC Training (WAC 139-05-300):
 1. Federal and Washington Court cases.
 2. Legal updates.
- (b) All sworn members will successfully complete an annual in-service training program on the department use of force and deadly force policies.
- (c) All sworn members will successfully complete in-service training on less-than-lethal weapons every two years.
- (d) Full-time supervisors or managers will receive appropriate training and certification required by CJTC.
- (e) All sworn members will successfully complete the National Incident Management System (NIMS) training appropriate for their position/responsibilities.

The plan will also address the following areas:

- Legislative Changes
- State Mandated Training

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- Critical Issues Training

208.5 TRAINING NEEDS ASSESSMENT

The Training Unit will conduct continuous training-needs assessments of the Sheriff's Office throughout each fiscal year. The needs assessments will be reviewed by training staff as necessary. Upon approval by the training staff, the needs assessment will form the basis for the training plan for the fiscal year.

208.5.1 TRAINING ATTENDANCE

In-service training is mandatory. Employees will consider their training day as their duty assignment for that workday. Employees will notify their supervisor when they cannot attend training as scheduled. Employees and/or their supervisor will contact the training division to reschedule missed in-service training. Exceptions may be granted by a Division commander or higher in rank.

208.6 TRAINING DOCUMENTATION

Detailed records shall be kept of all in-service training sponsored by or presented on behalf of the Spokane County Sheriff's Office. Records should minimally include the following:

- An overview of the course content and/or an instructor lesson plan.
- Names and agency contact information of all attendees.
- Instructor credentials or resume.
- Individual attendee test results (if applicable).
- Course completion roster.

208.7 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:
1. Court appearances
 2. Bid vacation
 3. Sick leave
 4. Physical limitations preventing the employee's participation.
 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
1. Notify his/her supervisor as soon as possible, but no later than one hour prior to the start of training.
 2. Document his/her absence in a memorandum to his/her supervisor.
 3. Make arrangements through his/her supervisor and the Training Sergeant to attend an alternate date.

208.8 TRAINING - LEAD INSTRUCTOR GROUP

The Training Sergeant shall establish a core group of Lead Instructors in their respective training disciplines, which will serve to assist with identifying training needs for the Department.

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The Lead Instructor Group shall be comprised of at least one lead training member in each training discipline, with at least one Assistant Lead Instructor. Lead Instructor Group members should be selected based on their previous training history, experience, certification, abilities at post-incident evaluation and at assessing related training needs. The Training Sergeant may remove or replace members of the Lead Instructor Group at his/her discretion.

The Lead Instructor Group should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Lead Instructor Group should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

Members of the Lead Instructor Group should convene individually or collectively on a regular basis as determined by the Training Sergeant to review identified incidents or training needs. The Lead Instructor Group shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Sergeant. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Sergeant will consider the recommendations of the Lead Instructor Group and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

208.9 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Spokane County Sheriff's Office policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should logoff the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Employees who are assigned to participate in the DTB program should complete each DTB as directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

Electronic Mail

212.1 PURPOSE AND SCOPE

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

212.2 E-MAIL RIGHT OF PRIVACY

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

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

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

212.3 PROHIBITED USE OF E-MAIL

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

E-mail messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users. Personal advertisements are not acceptable.

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

212.4 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of e-mail are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least

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once per week. All messages in excess of one month may be deleted at regular intervals from the server computer.

E-mail messages are public records when they are created or received in the transaction of public business and retained as evidence of official policies, actions, decisions or transactions. E-mail messages should be managed by their category in compliance with the current [Records Management Guidelines and General Records Retention Schedules](#) (Schedule Number L08 "Electronic Mail"). The Local Government General Records Retention Schedule (LGRRS) is the controlling schedule for records retention and management (RCW Chapter 40.14).

212.5 PERSONAL E-MAIL ACCOUNTS

The use of personal cell phones, text message services and e-mail accounts for any work related purpose is discouraged. In the event, that an employee uses any personal communication service to conduct business related to the Sheriff's Office they are required to conform to public disclosure statutes and record retention policies. It is best practice for the employee to separate any work related messages or e-mails in a separate folder so that it is easy to differentiate between what is business and what is personal.

Administrative Communications

214.1 PURPOSE AND SCOPE

Administrative communications of the Sheriff's Office are governed by the following policies.

214.2 SPECIAL ORDER

Special Order may be issued periodically by the Sheriff to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

214.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Sheriff's Office are not misused, all external correspondence shall be on department letterhead. All department letterhead shall bear the approved title block of the Sheriff. Personnel should use department letterhead only for official business and with approval of their supervisor.

214.4 SURVEYS

All surveys made in the name of the Sheriff's Office shall be authorized by the Sheriff, Undersheriff, or a Division Commander.

214.5 TRAINING BULLETINS

The Spokane Sheriff's Office Training bulletins shall be relatively brief publication of an authoritative nature, used to train, advise and inform members of current techniques, practices, information or procedures.

Staffing Levels

216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Sheriff's Office intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Sheriff's Office.

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one sergeant or one corporal per precinct that has been trained in the shift supervisor role. For each shift a lieutenant or higher rank will be available to respond as needed.

Retired Deputy Firearms Certificate

220.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance of identification cards and firearms certificates to retired deputies of this department.

Retirees from the Spokane County Sheriff's Office who meet the qualifications of RCW 9.41.060 or RCW 36.28A.090 are authorized carry a concealed handgun.

220.2 QUALIFIED RETIREES UNDER RCW 9.41.060

Deputies retired for service or physical disabilities, except for those deputies retired because of mental or stress-related disabilities are exempt from the provisions of RCW 9.41.050 (RCW 9.41.060). This exemption only applies to a retired deputy who meets the following criteria:

- (a) Has obtained an identification card from this department that has been signed by the Sheriff and states that the deputy was retired for service or physical disability.
- (b) Has not been convicted or found not guilty by reason of insanity of a crime making him/her ineligible for a concealed pistol license.

The above exemption applies only to the carrying of a concealed weapon within the State of Washington.

220.3 QUALIFIED RETIREES UNDER 18 USC 926C

Subject to 18 USC 926C and the Firearms and Qualification Policy, qualified retired deputies of this department may be authorized to carry a concealed weapon in Washington and other states.

Qualified retired deputies who are residents of Washington and wish to transport or carry a concealed weapon under this authority must obtain a dated and signed firearms certificate form once each year. The certificate must show that either a law enforcement agency or an individual or entity certified to provide firearms training acknowledges that the bearer has been found qualified or otherwise meets the standards established by the Criminal Justice Training Commission for firearms qualification for the basic law enforcement training academy in the state (RCW 36.28A.090).

220.4 ISSUANCE OF RETIREE IDENTIFICATION CARD

The Training Sergeant is responsible for issuing identification cards to qualified retirees. The identification card issued to any qualified and honorably retired deputy should minimally contain the following:

- (a) A photograph of the retiree.
- (b) The retiree's name and date of birth.
- (c) The date of retirement.
- (d) The name, address and phone number of the Spokane County Sheriff's Office.
- (e) If applicable, a notation that: "This person qualifies as an honorably retired law enforcement officer under RCW 9.41.060(10)."

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Retired Deputy Firearms Certificate

220.5 ISSUANCE OF FIREARMS CERTIFICATE

Retired deputies from the Spokane County Sheriff's Office may, at the discretion of the Sheriff, utilize department range facilities for the purpose of a yearly weapons qualification. The Armorer should sign and date the firearms certificate if the retiree successfully completes the required firearms qualification. The use of department range facilities by retirees is subject to additional restrictions and fees as established by the Sheriff or authorized designee.

The Sharp Shooting Indoor Range & Gun Shop has been given the approved course of fire. Their instructor will sign off once the retiree qualifies on the approved course of fire. This will need to be presented at the Sheriff's Training Unit to obtain a dated and signed firearms certificate form once each year.

It is the sole responsibility of the retiree to ensure that he/she complies with 18 USC § 926C and other relevant state laws before carrying a concealed handgun in Washington or any another state under this authority.

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Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. A deputy who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.3 USE OF FORCE

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

The "reasonableness" of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of

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force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

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

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

A deputy may use all means reasonably necessary to effect an arrest if, after notice of the intention to arrest the person, he/she either flees or forcibly resists (RCW 10.31.050).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the deputy.
- (k) Potential for injury to deputies, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.

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- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed department-approved training. Deputies utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the deputy.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

300.3.4 VASCULAR NECK RESTRAINT

The proper application of the vascular neck restraint may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the vascular neck restraint is subject to the following:

- (a) The deputy shall have successfully completed department-approved training in the use and application of the vascular neck restraint.
- (b) The vascular neck restraint may only be used when circumstances perceived by the deputy at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
 - 1. The subject is violent or physically resisting.
 - 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm deputies, him/herself or others.
- (c) The application of a vascular neck restraint on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of applying a vascular neck restraint:
 - 1. Females who are known to be pregnant
 - 2. Elderly individuals
 - 3. Obvious juveniles
- (d) Any individual who has had the vascular neck restraint applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The deputy shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the vascular neck restraint and whether the subject lost consciousness as a result.
- (f) Any deputy attempting or applying the vascular neck restraint shall promptly notify a supervisor of the use or attempted use of such hold.

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- (g) The use or attempted use of the vascular neck restraint shall be thoroughly documented by the deputy in any related reports.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

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

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the deputy or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

Display of any firearm or less lethal device by a deputy in response to a perceived imminent or immediate threat to overcome resistance by the individual that ultimately results in compliance, the deputy shall complete an incident report. The deputy's immediate supervisor shall make a Blue Team entry documenting the use of force.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.

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- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER® device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.
- (j) Any display of any firearm or less lethal device in response to a perceived imminent or immediate threat to overcome resistance by the individual that ultimately results in compliance.

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the deputy's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor, or if not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called excited delirium), or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.7 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.

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- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SHIFT COMMANDER RESPONSIBILITY

The Shift Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.7.2 LEAD DEFENSIVE TACTICS / USE OF FORCE EXPERT DUTIES

The lead defensive tactics instructor will obtain Master Instructor (MI) Certification through the Washington State Criminal Justice Training Commission. The lead defensive tactics instructor will review current Sheriff's Office Use of Force Policy to make sure it is up to date and conforms to current case law and best practice standards. The lead defensive tactics instructor will design the Law Enforcement Divisions defensive tactics curriculum and oversee its implementation. The lead defensive tactics instructor will establish department approved defensive tactics techniques that are tactically sound, medically sound and lawful. The lead defensive tactics instructor will review all use of force incidents in which deputies are involved to determine whether the amount of force used on a person was objectively reasonable under the totality of the circumstances. If requested by the Sheriff the lead defensive tactics instructor will provide written opinions and expert testimony on use of force incidents.

Deadly Force Review

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Spokane County Sheriff's Office to review the use of force by its employees.

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

302.2 POLICY

The Spokane County Sheriff's Office will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

302.4 REVIEW BOARD

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

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training, routine dispatch of wildlife or recreational use.

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

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

302.4.1 COMPOSITION OF THE BOARD

The Administration Division Commander should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member's chain of command
- Training Sergeant
- Non-administrative supervisor

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- A peer deputy
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

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

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

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

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

EXCITED DELIRIUM RESPONSE

305.1 PURPOSE AND SCOPE

The proper response to Excited Delirium can reduce the potential of injury when dealing with violent or potentially violent persons. This section provides guidelines, policy and procedures for the proper Excited Delirium response.

305.2 POLICY

Excited Delirium is a life-threatening medical emergency, not a crime in progress. Law enforcement personnel do not have the expertise to differentiate Excited Delirium from other causes of abnormal behavior, but they are capable of recognizing signs and/or symptoms that warn of a potential medical crisis. Due to the rapidly evolving circumstances faced by officers in these situations, the responding officers should err on the side of caution in determining whether or not a person is suffering a medical emergency. If law enforcement personnel determine a person is displaying signs and/or symptoms of excited delirium, steps must be taken to ensure appropriate medical intervention as soon as possible. A person in the throes of this acute excited state should be considered in extreme medical crisis, and they may die, despite all reasonable precautions taken by Deputies and other emergency responders to help and protect them.

In addition to whatever law enforcement response may be required, the incident shall be managed as a medical emergency. As there can be no medical intervention without custody, officers will take reasonable and necessary action, consistent with provided training, to ensure that the person receives a response which is appropriate to their needs, while protecting the safety of all concerned. This policy deals with one of the most challenging situations law enforcement personnel may face because a successful outcome will be dependent on the severity of the person's condition and the person's willingness to allow medical care.

For this plan to be successful, law enforcement personnel must be able to identify behavior signs that are consistent with Excited Delirium. Many of the cases that get treated as Excited Delirium under this policy will turn out to be less serious than a life threatening medical emergency once they are treated by EMS personnel. EMS and emergency department personnel must accept that agitated and combative persons in protective custody may be 'over triaged' as a result, which could add additional work that often involves an uncooperative group of patients. Likewise, law enforcement command staff must accept the added demand of sending personnel to the emergency department to watch over these subjects while they are being evaluated and treated.

305.3 DEFINITIONS

Excited Delirium "" A life-threatening medical emergency, typically in the context of mental illness or stimulant drug abuse. It can be characterized by agitation, excitability, confusion, paranoia, and/or bizarre behavior.

Excited Delirium presents as a cluster of physiological and behavioral symptoms, which may include the following:

- (a) Acute paranoia
- (b) Ability to effectively resist multiple officers

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- (c) Bizarre and/or violent behavior
- (d) Confusion and/or disorientation
- (e) Disrobing or nudity
- (f) Exceptional physical strength and endurance without apparent fatigue
- (g) Fear and/or panic
- (h) Growling and/or grunting
- (i) Hallucinations
- (j) Hyperthermia
- (k) Incoherent / nonsensical speech
- (l) Insensitivity to pain
- (m) Profuse sweating
- (n) Violence directed at objects, especially glass or shiny objects

305.4 COMMUNICATIONS RESPONSIBILITIES

A scenario involving someone in an agitated, hyper-excited state is a very difficult situation to resolve. This policy will provide dispatchers the opportunity to ensure all the appropriate steps needed are followed in a timely manner to allow the necessary resources to be applied to the critical incident. Following the protocol, in order, will help reduce the response times of the critical first responders to the scene.

- (a) Protocol order:
 1. Tone the call to all channels for additional patrol unit response. Assume the on-scene first responder is "Code 6" until notified otherwise. If applicable, advise over the air, all other channels of unit with "Excited Delirium" subject, location, and initial call details.
 2. Restrict the channel
 3. Notify fire dispatch of Advance Life Support (ALS) medical response. The appropriate minimum medical response will include a paramedic with the responding fire personnel or AMR employees. The responding medical personnel need to stage at a safe location as close as possible to the scene. "Secure scene" or "scene is secure" are the phrases for responding medical personnel to assist in the medical emergency at the scene.
 4. Notify shift supervisor and shift commander. Shift supervisor will be notified of the situation by radio or phone to apprise of the initial information of the incident. Mobile data computer message is not an adequate medium for notification.
 5. Implement Incident Command procedures for a unified command. The first Deputy informing of the Excited Delirium incident will be the incident commander for communication purposes until someone else advises accepting incident command. Deputies and Officers at the scene will primarily be tasked with containment and restraining of the individual. Medical personnel will primarily be tasked with providing medical treatment of the individual.
 6. The incident commander may task dispatch with the request to assist in setting up a containment perimeter and establishing a staging location for responding medical personnel.
 7. Command staff page.

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305.5 RESPONDING PATROL DEPUTIES RESPONSIBILITIES

(a) Responsibilities:

1. Responding officers shall assess the situation to determine if the person is suffering from Excited Delirium. The determination must be based on a rapid assessment of the overall scenario and behavior of the subject. If Excited Delirium is suspected, immediately advise dispatch over the air of an "Excited Delirium" or "possible Excited Delirium" situation, no abbreviations.
2. If the subject poses a threat that requires immediate intervention, officers shall employ reasonable and necessary force to protect themselves and others and take the person into protective custody.
3. If the subject is unarmed and presents no immediate threat to officers, self, or others, officers shall contain the subject while maintaining a safe distance and removing others from the scene who might be harmed.
4. Officers shall formulate a custody plan prior to making physical contact with the subject, if possible. There can be no medical intervention without custody. The object of the plan is to gain control of the person so that they may receive medical treatment. If practical, attempt to gain the subject's voluntary compliance with these tactics:
 - (a) One officer should attempt to engage the subject in conversation. Speak in a calm, confident manner and reassure the subject that you are trying to help. Speak slowly and keep speech simple and direct. Refrain from giving rapid orders or shouting.
 - (b) Attempt to have the individual sit down, which may have a calming effect. Also, refrain from making constant eye contact, which may be interpreted as threatening.
 - (c) Because of the subject's mental state, statements and questions may need to be repeated several times. The subject may be extremely fearful and confused. Be patient and reassuring, as it may take some time for them to calm down.
 - (d) If a relative or someone else who has rapport with the agitated subject can safely participate, enlist his/her assistance in trying to gain compliance. This option is to be considered if the Deputy at the scene feels it can be in a safe manner for all involved parties.
5. Once sufficient officers are present and the determination is made that physical force is necessary to control the subject, the custody plan must be executed quickly and with overwhelming force to minimize the intensity and duration of any resistance and to avoid a prolonged struggle. A prolonged struggle may increase the risk of sudden death. If possible, officers should ensure medical personnel are staged nearby or at the scene prior to executing the custody plan.
6. Officers shall take into consideration all available force options and control techniques, with the realization that Excited Delirium subjects often demonstrate unusual strength, insensitivity to pain, and an instinctive resistance to be physically restrained. Primary consideration should be given to proper application of the TASER. The TASER has proven to be effective in causing temporary neuromuscular incapacitation, providing officers with a window of opportunity to safely control and restrain the subject. Immediately upon a successful TASER application, a multi-officer team, should gain physical control and handcuff the subject while they are incapacitated by the TASER. If EMS personnel are at the scene prior to the subject being physically captured

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and the capture plan includes the immediate use of a sedative, the need for handcuffs may not be necessary if the subject can be controlled by the use of a sedative in a timely manner.

7. Once the subject is in protective custody and the scene is secured, EMS personnel should be called from the staging area. Until primary responsibility for the care of the subject is transferred to EMS personnel, officers must keep the restrained subject under constant observation. Place the subject in a supine position or on their side to maximize their ability to breathe. Continually monitor the subject's respiration and pulse, if possible. Initiate CPR, if needed, until the transfer of patient care to EMS personnel.
8. Officers shall coordinate with on-scene EMS personnel and transfer medical care of the subject to them, assisting in any way to avoid delay in the transportation of the individual to a medical facility. The subject will ultimately be transported by ambulance to an emergency medical facility for evaluation, treatment, and clearance. One or more Deputies may be assigned to accompany EMS personnel during the ambulance transport.
9. During treatment in the field or upon arrival at the emergency room, ensure that the subject's core body temperature is recorded.
10. The scene of the incident needs to be treated as a crime scene until notified otherwise by the shift supervisor or higher authority.

305.6 SUPERVISOR RESPONSIBILITIES

(a) Responsibilities:

1. The shift supervisor shall respond to all and assume command of all Excited Delirium calls as soon as practical.
2. The shift supervisor shall consider the support and assistance of Investigative Division personnel in conducting the investigation into the incident. Factors to be considered should include but not be limited to:
 - (a) The complexity of the incident.
 - (b) Injuries or medical condition of anyone involved.
 - (c) Type, amount and duration of force used in the incident.
3. The shift supervisor and/or investigators shall ensure that all reports are completed as required, to include as much of the following information as possible:
 - (a) Description and duration of subject's behavior prior to and after law enforcement contact. To include subject utterances and actions, i.e., running, shouting, pacing furiously, etc.
 - (b) Time of the transfer of patient care to EMS personnel
 - (c) Struggle against restraints after control and during transport
 - (d) Presence or absence of sweating by subject
 - (e) Note subject's body temperature at scene, if available. Note subject's temperature at medical facility and upon death, if applicable.
 - (f) If EKG strips are run in the field, collect the strips for evidence.
4. The shift supervisor will ensure all the on-scene law enforcement responders conduct a critical incident debrief so that problems at the scene can be resolved and prevented for future incidents.

Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

306.2 POLICY

The Spokane County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

306.3 USE OF RESTRAINTS

Only members who have successfully completed Spokane County Sheriff's Office-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

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

306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury (RCW 70.48.500).

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306.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy or damage property.

306.3.4 NOTIFICATIONS

Whenever a deputy transports a person with the use of restraints other than handcuffs, the deputy shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

306.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Deputies should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Deputies should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit

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hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

306.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the department shall be used.

In determining whether to use the leg restraint, deputies should consider:

- (a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting deputy while handcuffed, kicking at objects or deputies).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting

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deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

306.8 REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the deputy shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The deputy should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

Control Devices and Techniques

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Spokane County Sheriff's Office authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Sheriff or the authorized designee.

Only deputies who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, deputies should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

308.4 RESPONSIBILITIES

308.4.1 SHIFT COMMANDER RESPONSIBILITIES

The Shift Commander may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

308.4.2 ARMORER RESPONSIBILITIES

The Armorer shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Armorer or the designated instructor for a particular control device. The inspection shall be documented.

308.4.3 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Armorer

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for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

308.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head and neck, which includes the temporal area, larynx-trachea, carotid area, mastoid, occipital area and cervical spine should not be intentionally targeted except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

308.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Commander, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

308.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

308.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

Deputies encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

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Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

308.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

308.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, deputies should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

308.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

308.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and deputies takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

308.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the deputy should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.

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- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of force should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

308.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Deputies will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When loading the kinetic energy projectile shotgun, the deputy shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

308.10 TRAINING FOR CONTROL DEVICES

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the deputy's training file.
- (c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

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308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Conducted Electrical Weapon (CEW)

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER® devices.

309.2 POLICY

The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to deputies and suspects.

309.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and carry the TASER device.

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Deputies shall only use the TASER device and cartridges that have been issued by the Department or a personally owned TASER device approved by the Sheriff and inspected by the Taser armorer. Uniformed deputies who have been issued the TASER device or carrying their own Taser device shall wear the device in an approved holster on their person. Non-uniformed deputies may secure the TASER device in the driver's compartment of their vehicle. The Sheriff or designee shall approve all department Taser devices before they are acquired and utilized by any member of this department.

The department issued Taser device is the Taser X2 or Taser X26. The following additional Taser devices are approved for duty use:

- (a) Any Taser device authorized by the Sheriff and on the approved Taser device list maintained by the Taser staff.

Deputies choosing to carry a personally owned Taser device shall get approval prior to purchasing and carrying the Taser device:

- (a) The Taser device shall be in good working order and on the department's list of approved Taser devices.
- (b) The purchase of the Taser device shall be the responsibility of the Deputy.
- (c) The Taser device shall be inspected by the Taser Armorer prior to being carried and be subject to inspection whenever deemed necessary.
- (d) Prior to carrying the Taser device, personnel shall attend department approved training and certify under Taser Instructors and there after shall re-certify in accordance with department certification schedules.
- (e) Personnel shall provide written notice of make, model, color and serial number to the Taser Armorer.

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

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Conducted Electrical Weapon (CEW)

When carried while in uniform deputies shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, deputies should carry two or more cartridges on their person when carrying the TASER device.
- (c) Deputies shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Deputies should not hold both a firearm and the TASER device at the same time.

309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other deputies and individuals with a warning that the TASER device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, display the electrical arc or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the TASER device in the related report.

309.5 USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

309.5.1 APPLICATION OF THE TASER DEVICE

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

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

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

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309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

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

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

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

309.5.3 TARGETING CONSIDERATIONS

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

309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

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

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

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

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

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309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies shall notify a supervisor of all TASER device discharges. The cartridge serial number should be noted and documented on the report. If the suspect's health is at issue after use of a TASER device then all parts of the cartridge, to include probes, should be maintained intact and placed on property as evidence. The evidence packaging should be marked "Bio-hazard" if the probes penetrated the subject's skin.

309.5.6 DANGEROUS ANIMALS

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

309.5.7 OFF-DUTY CONSIDERATIONS

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

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

309.6 DOCUMENTATION

Deputies shall document all TASER device discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented in the related arrest/incident report or administrative report.

309.6.1 TASER DEVICE REPORT

Items that shall be included in the TASER device report are:

- (a) The type and brand of TASER device and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the TASER device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any deputies sustained any injuries.

The Training Sergeant should periodically analyze the reports to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of data downloads and reconcile TASER device reports with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

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309.6.2 REPORTS

The deputy should include the following in the arrest/incident report:

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

309.7 MEDICAL TREATMENT

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

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

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

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

309.8 SUPERVISOR RESPONSIBILITIES

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

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

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309.8.1 LEAD TASER INSTRUCTOR DUTIES

The lead TASER instructor will obtain Master Instructor Certification through TASER International. The lead TASER instructor will review current Sheriff's Office Conducted Electrical Weapon (CEW) Policy to make sure it is up to date and conforms to current case law and best practice standards. The lead TASER instructor will design the Law Enforcement Divisions TASER curriculum and oversee its implementation. The lead TASER instructor will establish department approved TASER application techniques that are tactically sound, medically sound and lawful. The lead TASER instructor will review all TASER incidents in which deputies are involved. If requested by the Sheriff the lead TASER instructor will provide written opinions and expert testimony on TASER incidents. The lead TASER instructor will ensure that all TASERS are updated and maintained in good working order. The lead TASER instructor will ensure TASER cartridges are kept current and available to deputies in the field.

309.9 TRAINING

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

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

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

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

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

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

The Training Sergeant should ensure that all training includes:

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

Officer-Involved Shooting

310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of an officer-involved shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

310.2 INVESTIGATION RESPONSIBILITY

This department conforms to the Officer Involved Fatal Incident Protocol for investigating officer-involved shootings. Protocol is located at [\\spokanecounty.org\countysheriff\Data\LexipolPolicy\Officer_Involved_Protocol.pdf](https://spokanecounty.org/countysheriff/Data/LexipolPolicy/Officer_Involved_Protocol.pdf)

310.3 TYPES OF INVESTIGATIONS

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

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Sheriff, an Undersheriff or a Division Commander.
- (b) A criminal investigation of the involved officer(s) conducted by an outside agency.
- (c) A civil investigation to determine potential liability conducted by the involved officer's agency.
- (d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy.

310.4 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

310.4.1 SPOKANE COUNTY SHERIFF'S OFFICE DEPUTY WITHIN THIS JURISDICTION

The Spokane County Sheriff's Office is responsible for the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted using the Officer Involved Fatal Incident Protocol. Spokane County Risk Management will conduct any civil investigations.

310.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The criminal investigation of the officer-involved shooting will be conducted using the Officer Involved Fatal Incident Protocol. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

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310.4.3 SPOKANE COUNTY SHERIFF'S OFFICE DEPUTY IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Spokane County Sheriff's Office will conduct timely administrative investigations. Spokane County Risk Management will conduct any civil investigations.

310.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

	Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation	Administrative Investigation
SCSO Deputy in this Jurisdiction	SCSO Investigators Prosecuting Attorney Review Officer involved fatal incident protocol maybe invoked	SCSO Investigators Prosecuting Attorney Review Officer involved fatal incident protocol maybe invoked	Risk Management	SCSO Office of Professional Standards
Allied Agency's Officer in this Jurisdiction	SCSO Investigators Prosecuting Attorney Review Officer involved fatal incident protocol may be invoked	SCSO Investigators Prosecuting Attorney Review Officer involved fatal incident protocol may be invoked	Involved Officer's Department	Involved Officer's Department
SCSO Deputy in another Jurisdiction	Agency where incident occurred	Decision made by agency where incident occurred	Risk Management	SCSO Office of Professional Standards

310.5 THE INVESTIGATION PROCESS

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

310.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

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

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter deputies. In the event that there are no non-shooter deputies, the supervisor should attempt to obtain a brief voluntary overview/tactical interview from one shooter deputy.

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- (c) If necessary, the supervisor may administratively order any deputy from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
- (d) Absent a voluntary statement from any deputies the initial on scene supervisor should not attempt to order any deputy to provide other than public safety information.
- (e) Provide all available information to the Shift Commander and Combined Communication Center. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.
- (g) As soon as practical, shooter deputies should respond or be transported (separately, if feasible) to the station for further direction.
 - 1. Each involved deputy should be given an administrative order not to discuss the incident with other involved deputies pending further direction from a supervisor. Someone will be assigned to each involved deputy for assistance and to make sure there are no discussions of the incident with other involved deputies.
 - 2. When a deputy's weapon is taken or left at the scene (e.g., evidence), the deputy will be provided with a comparable replacement weapon or transported to the station by other deputies.

310.5.2 SHIFT COMMANDER DUTIES

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

310.5.3 NOTIFICATIONS

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

- Sheriff
- Command Staff
- On Call Prosecuting Attorney
- Office of Professional Standards supervisor
- Risk Management
- Psychological/Peer support personnel
- Medical Examiner (if necessary)
- Deputy representative
- PIO
- Chaplin

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

310.5.4 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release

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will be available to the Shift Commander, Investigation Division Commander and Public Information Officer in the event of inquiries from the media.

It will be the policy of the Spokane Sheriff's Office to not release the identities of involved deputies until after 48 hours from the incident. Moreover, no involved deputy shall be subjected to contact from the media and no involved deputy shall make any comments to the press unless authorized by the Sheriff or a Division Commander.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.5.5 INVOLVED OFFICERS

Once the involved deputies have arrived at the station, the Shift Commander should advise each deputy that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved deputies:

- (a) Any request for department or legal representation will be accommodated. However, no involved deputy shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report. Nothing in this policy is intended to prevent a deputy from meeting individually with department representatives (e.g., employee association).
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with department representatives (e.g., employee bargaining unit) will be privileged only as to the discussion of non-criminal information.
- (d) All involved deputies, and in some situations secondary deputies, will be required to meet with a psychotherapist retained by the department prior to returning to work.
 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the deputy is or is not fit for return to duty.
 2. An interview or session with a licensed psychotherapist may take place prior to the involved deputy providing a formal interview or report, but the involved deputies shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
- (e) The Department will consider communications between qualified peer counselors and involved deputies to be privileged (RCW 5.60.060).

Care should be taken to preserve the integrity of any physical evidence present on the deputy, equipment or clothing (e.g., blood, fingerprints, etc.) until investigators or lab personnel can properly retrieve it.

Detectives shall make reasonable accommodations to the deputy's physical and emotional needs.

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

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310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.6.1 DETECTIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Investigation Unit supervisor to assign appropriate detective personnel to handle the investigation of related crimes.

All related departmental reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

310.6.2 CRIMINAL INVESTIGATION

It shall be the policy of this department to utilize the Spokane County Prosecutors Office to conduct a review into the circumstances of any officer-involved shooting involving injury or death.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved deputies in order to provide them with an opportunity to give a voluntary statement and ensure that the most complete and accurate information possible is obtained. The following shall be considered for the involved deputies:

- (a) Supervisors and Office of Professional Standards personnel should not participate directly in any voluntary interview of deputies. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- (b) If requested, any involved deputies will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (c) Involved deputies will be given the opportunity to provide a voluntary statement or give details of the incident at any point during the investigation. However, investigators should consider the following when deciding to conduct a voluntary interview:
 - 1. Shock disruption period and post incident amnesia immediately following the stressful incident.
 - 2. It is recommended that the involved deputy have at least one full sleep cycle to promote memory recovery and formation.
 - 3. Use of recognition aids such as Mobile Audio Video (MAV) and/or other video and audio recordings such as dispatch recordings that assist the involved deputy in providing the most accurate and full recall possible of the stressful incident.
 - 4. Consideration should be given to the use of a Cognitive Interview method, investigator preparedness, and the ability to record the interview audibly and visually if the deputy agrees to have the interview recorded.
 - 5. The need to obtain information necessary to establish probable cause to arrest and incarcerate dangerous suspects involved in the incident.
 - 6. The request of involved deputies.
- (d) If the Actor has invoked his/her right to counsel, such requests must be coordinated through such counsel. Agency policies, union agreements and deputy's constitutional

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rights may delay access to this statement and reasonable effort to identify and comply with these issues should be made. In no event should anyone attempt to question an involved deputy who has invoked his/her right to counsel. Any voluntary statement provided by the deputies will be made available for inclusion in the administrative or other related investigations.

- (e) Absent consent from the involved deputy or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

310.6.3 REPORTS BY INVOLVED OFFICERS

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

While the involved deputy may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved deputies as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved deputies should focus on evidence to establish the elements of criminal activities by involved suspects.

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

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

310.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identify all persons present at the scene and in the immediate area.
 - 1. When feasible, a statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred. Deputies shall seek consent to record such statements whenever possible.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a statement. Such witnesses, if willing, may be transported by department personnel.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

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- (c) Available personnel should be assigned to promptly contact the suspect's family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with deputies.

310.7 ADMINISTRATIVE INVESTIGATION

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

- (a) Any deputy involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.
 - 1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s).
- (c) In the event that an involved deputy has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy'(s) physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed. Nothing in this policy is intended to prevent a deputy from meeting individually with an uninvolved representative or attorney.
 - 3. Administrative interview(s) should be recorded by the investigator (the deputy may also record the interview).
 - 4. The deputy shall be informed of all constitutional "Miranda" rights and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions. The deputy shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The Garrity admonishment).
 - 5. The administrative interview shall be considered part of the deputy's administrative file.
 - 6. The Office of Professional Standards shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - 7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there

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was compliance with the Department use of deadly force policy. The Use of Deadly Force Review Board investigation and administrative investigation may be done simultaneously.

8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

310.7.1 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation, but shall be given reasonable access to all other investigations.

310.8 AUDIO AND VIDEO RECORDINGS

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

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

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

Firearms

312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Sheriff or his or her designee shall approve all Department firearms before they are acquired and utilized by any member of this department.

312.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Armorer during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

All other weapons, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the employee's Division Commander. This exclusion does not apply to the carrying of folding pocketknives, automatic opening folding knives and fixed blade knives that are not otherwise prohibited by law.

312.2.1 DUTY WEAPONS

The authorized departmental issued handgun is the Glock G21 and G21SF .45acp.

Deputies who wish to use a personal weapon for duty shall meet the following criteria:

- (a) The weapon must be of the same caliber as department issued weapons. (ie. Pistols .45 cal, Rifle .223 and Shotgun 12 ga.)
- (b) The weapon must be of quality manufacturing to be determined by the Firearms Staff.
- (c) The weapon's internal components, to include, but not limited to: Functioning/cycling/trigger weight must not be altered from factory conditions (This does not include items such as grips, fore-ends and light attachments).
- (d) The deputy must successfully complete a department qualification course to include weapon manipulations annually to maintain authorization for duty carry.
- (e) The weapon must pass inspection by the Firearms Staff. If approved, the deputy is required to fill out the Personal Weapons form and have it signed by the Sheriff and on file with the Training Unit prior to deployment. If the weapon is disapproved by the Firearms Staff, the Staff will provide, in writing, the reasons for disapproval to the deputy.

This criteria is intended for primary duty weapons and does not apply to secondary firearms.

312.2.2 AUTHORIZED SECONDARY FIREARM

Deputies desiring to carry a secondary firearm are subject to the following:

- (a) The firearm shall be in good working order and on the department's list of approved firearms.
- (b) Only one secondary firearm may be carried at a time.

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- (c) The purchase of the firearm and ammunition shall be the responsibility of the deputy.
- (d) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.
- (e) The firearm shall be inspected by the Armorer prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the firearm is other than department issue, the Sheriff shall approve the ammunition.
- (g) Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule.
- (h) Deputies must demonstrate their proficiency and safe handling, and that the firearm functions properly.
- (i) Personnel shall provide written notice of the make, model, color, serial number and caliber of a second firearm to the Armorer.

312.2.3 AUTHORIZED OFF-DUTY FIREARM

The carrying of firearms by sworn deputies while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Sworn deputies who choose to carry a firearm while off-duty, based on their authority as a peace officer, will be required to meet the following:

- (a) The firearm shall be of good quality and workmanship and approved by the Department.
- (b) The purchase of the firearm and ammunition shall be the responsibility of the deputy.
- (c) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.
- (d) It will be the responsibility of the deputy to submit the firearm to the Armorer for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the Armorer.
- (e) Prior to carrying any off-duty firearm, the deputy shall demonstrate to the firearm instructors that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (f) The deputy will successfully qualify with the firearm prior to it being carried and thereafter shall qualify in accordance with the department qualification schedule. The range qualification dates will be specified by the firearm instructors.
- (g) A complete description of the firearm shall be contained on the qualification record approved by the Armorer.
- (h) If any member desires to use more than one firearm while off-duty, he/she may do so, as long as the deputy meets all the requirements set forth in this policy for each firearm used.
- (i) Deputies shall only carry department-authorized ammunition.
- (j) When armed, whether on- or off-duty, deputies shall carry their badge and department identification.

312.2.4 AMMUNITION

Deputies shall carry only department-authorized ammunition. Deputies shall be issued fresh duty ammunition in the specified quantity for all Sheriff's Office issued firearms

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during the deputy's first scheduled qualification each year. Deputies carrying personally owned authorized firearms of a caliber differing from department issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above at their own expense. Replacements for unserviceable or depleted ammunition issued by the Sheriff's Office shall be dispensed by the Armorer when needed in accordance with established policy.

312.2.5 ALCOHOL AND DRUGS

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

312.2.6 LASER SIGHTS

Laser sights may only be installed on a weapon carried in the capacity of a K9 handler or SWAT. No other deputies may utilize a laser sight. The sight shall be examined and approved by the Armorer.

- (a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.
- (b) Once approved laser sights have been properly installed on any weapon, the deputy shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

Except in an approved training situation, a deputy may only activate a laser sight when the deputy would otherwise be justified in pointing a weapon at an individual or other authorized target.

312.2.7 PERSONNEL PERMITTED TO USE LASER SIGHTS

A K9 handler, SWAT or Specialty bunker position. No other deputies may utilize a laser sight.

312.2.8 GUN LIGHTS

- (a) Deputies who carry a light attached to their authorized handgun shall have a factory equipped rail handgun. The approved list of weapon lights and holsters will be maintained by the firearms staff.
- (b) All holsters will accommodate the pistol with the light attached and Level II retention ability. The handgun and mounted light will be carried as a weapon system. A deputy may not carry a weapon light separate from the weapon and use a holster not accommodating the weapon with the light attached.
- (c) Deputies who wish to carry the weapon light system will qualify with the system prior to using it on duty. The course will be determined by the Department Firearms Instructors.

312.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on and off-duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

312.3.1 SAFETY CONSIDERATIONS

- (a) Deputies shall not unnecessarily display or handle any firearm.
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- (b) Deputies shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms Instructors. Deputies shall conduct dry fire practice in a safe environment.
- (c) Deputies shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.
- (e) Deputies shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location.
- (f) Deputies shall not use any automatic weapon, heavy caliber rifle, gas or other type of chemical weapon unless trained and qualified with that weapon.
- (g) Any weapon authorized by the Department to be carried on- or off-duty, that is found by the deputy to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the Department or Armorer for inspection. Any weapon determined to be in need of service or repair during an inspection by the Armorer, will be immediately removed from service. If the weapon is personally owned, the deputy may be responsible for repairs. If the weapon is the deputy's primary duty weapon, a replacement weapon will be issued to the deputy until the duty weapon is serviceable. The replacement weapon, owned by the department, may not be the same make or model. If so, the deputy may need to qualify with the weapon and make adjustments to duty gear to accommodate the replacement weapon.

312.3.2 STORAGE OF FIREARMS AT HOME

Deputies shall ensure that all department firearms and ammunition are secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

312.4 FIREARMS TRAINING

All sworn personnel are required to attend and successfully complete scheduled firearms training with their duty weapon on an approved range course and must qualify at a minimum annually. The Training Unit with the assistance of firearms instructors shall keep accurate records of firearms training. The Armorer shall keep accurate records of firearms repair and maintenance. In addition to regular qualification schedules, the Firearms Instructors shall be responsible for providing annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

312.4.1 NON QUALIFICATION

If any deputy is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that deputy shall submit a memorandum to his/her immediate supervisor prior to the end of the required shooting period.

Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

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- (a) Additional range assignments may be required until consistent weapon proficiency is demonstrated.
- (b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up.
 - 2. Failure to qualify after remedial training.

312.5 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the deputy reasonably believes that they appear necessary, effective and reasonably safe.

312.6 DESTRUCTION OF ANIMALS

Deputies are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances in which deputies have sufficient advance notice that a potentially dangerous animal may be encountered, deputies should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any deputy from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

312.6.1 INJURED ANIMALS

A deputy may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. SCRAPS should be notified of Injured dogs and cats found without their owners.

312.7 REPORT OF FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

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312.8 ARMORER FIREARM INSTRUCTOR DUTIES

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

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

The Armorer has the responsibility of making periodic inspections, at least once a year, of all duty weapons carried by deputies of this department to verify proper operation. The Armorer has the authority to deem any privately owned weapon unfit for service. The deputy will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Armorer.

312.9 MAINTENANCE AND REPAIR

Firearms carried on-duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual deputy, that deputy will be responsible for the furnishing, maintenance and repair of such weapon.

312.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Armorer shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department-issued weapons not performed by the Armorer must be approved in advance by the Armorer and accomplished by a department-approved gunsmith.

Any repairs or modifications to the deputy's personally owned weapon shall be done at his/her expense and must be approved by the Armorer.

312.10 FLYING WHILE ARMED

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

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

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itinerary and should include that the deputy has completed the mandatory TSA training for law enforcement officers flying while armed.

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

312.11 CARRYING FIREARMS OUT OF STATE

Qualified active full-time deputies and qualified retired deputies (see Retired Deputy Firearms Certificate Policy) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926B; 18 USC 926C):

- (a) The deputy shall carry his/her Department identification whenever carrying such weapon.
- (b) Qualified retired deputies shall also carry certification of having met firearms qualification within the past 12 months.
- (c) The deputy is not the subject of any current disciplinary action.
- (d) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (e) The deputy will remain subject to this and all other department policies (including qualifying and training).

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

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

QUICKCLOT PRODUCTS

313.1 PURPOSE AND SCOPE

To enhance effectiveness of medical aid to 1st responders and victims of traumatic wounds.

313.2 POLICY

Personnel who have completed Sheriff's Office approved training may be issued the QUICKCLOT® product for use during the current assignment. Deputies shall only use the QUICKCLOT® products that have been issued by the Sheriff's Office.

Personnel issued QUICKCLOT® product will carry it on their person or have it readily available.

313.3 APPLICATION

QUICKCLOT® is a sterile, traumatic wound treatment that rapidly arrest high-volume blood loss and achieves homeostasis in large wounds, arresting the hemorrhage. QUICKCLOT® products affect coagulation in moderate-to-severe wounds, including high-volume venous and arterial bleeding.

Directions for use can be found on the outside of the product package. **Always use universal precautions when exposed to blood.**

313.4 TRAINING

Personnel shall successfully complete Sheriff's Office approved training in the use of QUICKCLOT® products prior to it being issued.

The Training Unit will provide training and instruction in the use and care of the QUICKCLOT® products by a manufacture trained trainer.

313.5 MAINTENANCE

The QUICKCLOT® products shall be stored and maintained in accordance with the manufacturer's instructions. Do not store the QUICKCLOT® products in direct sunlight.

313.6 RESPONSIBILITIES

313.6.1 TRAINING SERGEANT

The Training Sergeant will be responsible for the issuing of the QUICKCLOT® products and shall see that the QUICKCLOT® products are provided to replace opened, damaged, defective or expired products.

313.6.2 SUPERVISORS

Supervisors shall inspect QUICKCLOT® products for damage, defects or expiration during inspections.

313.6.3 DEPUTIES

Deputies will ensure the vacuum sealed integrity of the QUICKCLOT® packages. Any QUICKCLOT® packages found to be opened or damaged will be reported to a Supervisor.

Vehicle Pursuits

314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide deputies with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Deputies' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement (RCW_43.101.225).

314.1.1 VEHICLE PURSUIT DEFINED

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

314.1.2 ATTEMPTING TO ELUDE

Refers to the actions of a vehicle operator who after being given a visual or audible signal to bring the vehicle to a stop fails or refuses to immediately stop the vehicle and drives in a reckless manner while attempting to elude a uniformed deputy operating a pursuing sheriff's vehicle that is equipped with emergency lights and siren (RCW 46.61.024).

314.2 DEPUTY RESPONSIBILITIES

It shall be the policy of this department that a motor vehicle pursuit shall be conducted only with blue or combination blue/red colored emergency lights and siren as required by RCW 46.61.035 for exemption from compliance with the rules of the road. The following policy is established to provide deputies with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4).

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Vehicle Pursuits

314.2.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

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

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

314.2.2 WHEN TO TERMINATE A PURSUIT

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

The factors listed in Policy Manual § 314.21 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. When a pursuit is terminated, all pursuing deputies shall, notify the Combined Communications Center of the termination, pull their vehicle to the side of the roadway, stop, shut off appropriate emergency equipment, and notify the Combined Communications Center of their location. In addition to the factors listed in Policy Manual § 314.21 the following factors should also be considered in deciding whether to terminate a pursuit:

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- (a) The risks to the public or deputy outweigh the necessity for immediate apprehension.
- (b) Distance between the pursuing deputies and the fleeing vehicle(s) is so great that further pursuit creates risk, which outweighs the need for immediate apprehension.
- (c) Pursued vehicle's location is no longer definitely known.
- (d) Deputy's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (e) Required information is NOT provided by the deputy.
- (f) The Combined Communications Center is unable to notify a Supervisor or there is no supervisor to monitor the pursuit.
- (g) The suspect becomes identifiable to the involved deputy and the risks to the public, deputy or suspect, outweigh the need for immediate apprehension.
- (h) Any commissioned deputy with the rank of Corporal and acting as a supervisor, or any deputy of higher rank, orders the pursuit terminated.

314.2.3 SPEED LIMITS

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

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

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the deputy.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

314.3 PURSUIT UNITS

Pursuit units should be limited to two vehicles; however, the number of units involved will vary with the circumstances. A deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the suspect(s). When circumstances allow for the execution of a Pursuit Intervention Technique (PIT), a third vehicle may move into position to assist with a Post PIT maneuver. All other deputies should stay out of the pursuit, but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Overtaking of another police/sheriff vehicle involved in a pursuit is generally prohibited; exceptions may be made for tactical or safety purposes.

Reserve Deputies role shall be limited to that of support unit whenever possible.

314.3.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a sheriff's motorcycle as primary and/or secondary pursuit unit as soon as practical.

314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with blue light or combination blue/red emergency lights and siren are generally prohibited from initiating or joining in any pursuit. Deputy(s) in such vehicles,

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however, may become involved in emergency activities involving serious crimes or life threatening situations. Those deputies should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter. The exemptions provided by RCW 46.61.035 do not apply to deputies using vehicles without emergency equipment.

Deputies operating sheriff motorcycles or Special Service Vehicles (SUVs, trucks, vans or traditional passenger cars) should not enter into pursuits already in progress, unless an exigent circumstance exists.

314.3.3 PRIMARY UNIT RESPONSIBILITIES

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

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

- (a) Original reason for the stop - Suspected or known offense(s). Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants and description(s), where possible.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.
- (h) Road surface conditions, weather, illumination, amount of vehicle/pedestrian traffic and any other pertinent information evaluated to determine if the pursuit should be initiated in Policy Manual § 314.2.1
- (i) Pursuing deputy/supervisor will continuously review the incoming data to decide whether the pursuit should continue or terminate.

Updates to these pursuit conditions will be repeatedly broadcast in a timely manner. Failure to provide necessary information will result in the termination of the pursuit.

The primary vehicle in the pursuit shall utilize blue or combination blue/red colored emergency lights and siren during the pursuit. The deputy in the primary unit shall be responsible for the broadcasting of the progress of the pursuit unless practical circumstances indicate otherwise. Whenever possible, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft in order to concentrate on pursuit driving.

314.3.4 SECONDARY UNIT(S) RESPONSIBILITIES

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

- (a) The deputy in the secondary unit should immediately notify the dispatcher of entry into the pursuit.

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- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary deputy, or if the primary unit is unable to continue the pursuit.
- (c) The secondary sheriff unit may assume radio communication responsibility at the direction of the primary units, allowing the primary unit to focus full attention on driving. The secondary sheriff unit may choose to operate without a siren periodically, if conditions allow, thus allowing for clear radio transmissions. (RCW 46.61.035)

314.3.5 PURSUIT DRIVING TACTICS

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

- (a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) As a general rule, deputies should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from an air unit.
 - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - 3. Requesting other units to observe exits available to the suspect(s).
- (c) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (d) Notifying the Washington State Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
- (e) Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or requested to do so by the primary unit.
- (f) Overtaking/passing of a suspect vehicle involved in a pursuit is generally prohibited.

314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road, unless authorized a code 3 response.

The primary and secondary units should be the only units operating under emergency conditions (blue light and siren) unless other units are assigned to the pursuit or authorized code 3 response by a supervisor.

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314.3.7 PURSUIT TRAILING

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

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

314.3.8 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit provided there is direct communication with the Combined Communication Center. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide deputies and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit will notify the Combined Communication Center and the supervisor of their observation.

314.3.9 DAMAGE TO SHERIFF'S VEHICLE DURING PURSUIT

Any sheriff vehicle sustaining damage to or having failure of essential equipment will not be operated under emergency conditions. The deputy will notify the Combined Communications Center so that another deputy may be assigned. The deputy will secure the vehicle as soon as practical.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of the Spokane Sheriff's Office that available supervisory and management control will be exercised over all motor vehicle pursuits involving deputies from the Spokane Sheriff's Office.

Pursuits shall be evaluated immediately by a field supervisor or shift commander for continuance in accordance with the standards set forth in this policy. The evaluating field supervisor or shift commander will contact the communications supervisor by telephone to avoid unnecessary radio traffic. When no supervisor is available to monitor, the pursuit will normally be terminated depending on the egregious nature of the offense. Any decision to continue a pursuit shall not be based solely on the act of attempting to elude a police officer.

A field supervisor or shift commander will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Exercising management and control of the pursuit.

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- (c) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (d) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (e) Ensuring that aircraft are requested if available.
- (f) Ensuring that the proper radio channel is being used.
- (g) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (h) Control and manage SCSO units when a pursuit enters another jurisdiction.
- (i) Preparing post-pursuit critique and analysis of the pursuit for training purposes.
- (j) Will complete a pursuit packet or Blue Team entry.

A supervisor directly involved in the pursuit will relinquish supervisory control of the pursuit to a secondary supervisor.

314.4.1 SHIFT COMMANDER RESPONSIBILITY

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

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

314.5 COMMUNICATIONS

If the pursuit is confined within the County limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should switch radio communications, whenever available, to an emergency channel most accessible by participating agencies and units.

314.5.1 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Combined Communication Center will:

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

314.5.2 LOSS OF PURSUED VEHICLE

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

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314.6 INTER-JURISDICTIONAL CONSIDERATIONS

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

Whenever deputies continue a vehicle pursuit into another jurisdiction, the affected agency shall be notified as soon as possible. Although pursuits may travel to another jurisdiction, standards of pursuits contained in this policy shall apply to all involved Spokane Sheriff's Office deputies. Deputies shall obtain supervisor approval prior to going into another jurisdiction. Deputies shall not pursue into Canada.

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Spokane County Sheriff's Office is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

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

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

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from the Spokane County Sheriff's Office should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. Spokane County Sheriff's Deputies generally will not become directly involved in pursuits initiated by an outside agency that have then entered the jurisdiction of Spokane county, unless information has been obtained that would justify initiation of pursuit operations according to established Sheriff's Office policy. If requested by another agency, and approved by a commissioned Sheriff's Office supervisor, deputies may assume a primary position. All involvement shall conform to established Spokane County Sheriff's Office policy. Once directed by a Sheriff's Office supervisor to become involved in another agencies pursuit, deputies will remain on their primary radio channel. Deputies should attempt to monitor the other agencies radio traffic. The Combined Communication Center will attempt to re-broadcast information on all Sheriff's Office channels.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider the Sheriff's Office policy §314.21 When to Initiate a pursuit and policy §314.22 When to terminate a pursuit as well as these additional following factors:

- (a) Ability to maintain the pursuit.
- (b) Circumstances serious enough to continue the pursuit.
- (c) Adequate staffing to continue the pursuit.

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- (d) The public's safety within this jurisdiction.
- (e) Safety of the pursuing deputies.

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

Deputies shall not continue pursuits outside of Spokane County when the pursuit was initiated by an outside agency, unless directed to do so by a commissioned Sheriff's Office supervisor. In the event that a pursuit from another agency terminates within this jurisdiction, deputies shall provide appropriate assistance to deputies/officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

314.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the sheriff's unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical.

314.7.1 WHEN USE AUTHORIZED

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

It is imperative that deputies act within the bounds of legality, good judgment and accepted practices.

314.7.2 DEFINITIONS

Blocking - A blocking technique is a maneuver to place a police vehicle in a position at the ends or side of a momentarily stopped suspect vehicle with the intent of preventing the suspect from resuming vehicular flight. Blocking is not a moving or stationary road block.

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

Pursuit Intervention Technique (PIT) - Is the intentional forced rotational contact of a pursuit suspect vehicle by a pursuing sheriff vehicle in an effort to stop the non-compliant suspect's flight. PIT is a method to reduce risks in bringing pursuits to a conclusion. PIT is not a ramming technique.

Post-PIT - is a technique used by deputies to stop a suspect vehicle from leaving the scene of a PIT maneuver by placing a patrol vehicle in a blocking position. The recommended technique is one in which the first available police vehicle pulls to the front of the suspect's vehicle and prevents the suspect from escaping forward, while the second available police vehicle pulls to the rear of the suspect's vehicle and prevents escape to the rear. Care should be taken so that the officers do not place themselves in a crossfire situation.

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

Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle.

Controlled Tire Deflation Devices - Devices designed to deflate one or more tires on a fleeing vehicle through spike penetration. The most common is the hollow spike strip.

314.7.3 USE OF FIREARMS

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

314.7.4 INTERVENTION STANDARDS

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

- (a) Blocking should only be considered to prevent a fleeing vehicle that has momentarily stopped from resuming flight. It may also be used in a static situation where a parked vehicle must be kept immobile. Deputies should give consideration to the following:
 - 1. The need to prevent a suspect vehicle from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
 - 2. A normal police vehicle stop has failed or reasonably appears ineffective.
 - 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
 - 4. The target vehicle is stopped.
 - 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those deputies trained in the use of the Pursuit Immobilization Technique (PIT) will be authorized to use this procedure. PIT is authorized to apprehend fleeing offenders when the facts and circumstances, known to the officer prior to the initiation of a pursuit or Failure to Yield have, and continue to pose an imminent risk to public safety. Consideration should be given to the following:
 - 1. Potential for risk of injury to deputies, the public and occupants of the pursued vehicle.
 - 2. Less intrusive measures have been tried or considered and have been judged to be ineffective.
 - 3. The totality of the circumstances requires immediate interruption to stop a fleeing suspect's vehicle.

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4. When possible Post PIT maneuver should be coordinated prior to initiation of PIT execution. Generally, two police vehicles (in addition to primary) will be used for Post PIT.
 5. Deputies driving Special Service Vehicles will not execute PIT maneuvers.
 6. Fleeing driver's actions exhibiting recklessness or progressively reckless actions as the pursuit continues.
 7. Speed of fleeing vehicle.
 8. Pursuit toward areas of high population density, traffic congestion or school zones.
 9. Whether there will likely be an opportunity to contact the fleeing vehicle at lower speeds.
 10. Whether the suspect is known to be armed.
 11. Availability of cover units.
 12. Potential for serious injury or death to others should the suspect escape apprehension.
 13. The presence of other stationary objects that could be struck by the police and/or suspect vehicle.
 14. The time of day or night.
 15. Lighting and weather conditions.
 16. PIT works best in curves, but should not be executed when the deputy believes that visibility is significantly compromised.
 17. PIT should not be attempted in traffic situations where the suspect or pursuing vehicle will likely be pushed into oncoming traffic or areas with pedestrians.
 18. If a fleeing vehicle has multiple occupants, consideration shall be given to the safety of the other occupants before the PIT is employed.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct deputies in their decision-making process before ramming another vehicle. When ramming is to be used as a means to stop a fleeing vehicle, the following factors should be present:
1. When possible a supervisor has given approval.
 2. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended..
 3. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
 4. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (d) Because of the extreme hazard and risk of injury to a deputy, a boxing technique (or rolling roadblock) is **not** recommended as a method to stop a fleeing vehicle. This will be considered an Exceptional Technique.
- (e) The hollow spike strip shall only be deployed on vehicles with four or more tires (it shall not be used on motorcycles or three wheeled vehicles), and is most effective on vehicles traveling at speeds greater than 25 mph. The deputy utilizing the spike strip should consider all potential strategic locations well in advance of their use.
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The deputy must consider both the feasibility of use and the possible consequences prior to deployment of the spike strip. The deputy shall advise the Combined Communications Center where and when the strip is being deployed. Deputies should carefully consider the limitations of such devices as well as the potential risks to deputies, the public and occupants of the pursued vehicle.

- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle shall **not** be used in a situation with an active pursuit of a fleeing subject. A supervisor may authorized a roadblock in a situation where a static checkpoint is needed. This will be considered an Exceptional Technique.

314.7.5 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

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

At the conclusion of vehicle pursuits, there is a high likelihood the suspect will attempt to flee on foot. This can be very dangerous for deputies and the public. Canine units may respond to pursuits to provide a safer means of apprehension.

314.8 REPORTING REQUIREMENTS

The following reports should be completed:

- (a) The primary deputy shall complete appropriate incident/arrest reports on all pursuits regardless if terminated, suspect(s) captured or suspect(s) flee.
- (b) It shall be the responsibility of the monitoring supervisor to complete or see that a "Pursuit Driving Report" is completed. If no supervisor is available to monitor a pursuit, yet it meets the vehicular pursuit definition, the deputy involved will notify his or her supervisor for completion of the report. It will then be submitted up the chain of command for administrative review and filing. The Pursuit Driving Report shall minimally contain the following information:
 1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the deputies involved.
 2. The violation(s) that caused the pursuit to be initiated.
 3. The identity of the deputies involved in the pursuit.
 4. The means or methods used to stop the suspect being pursued.
 5. The charges filed with the court by the County Prosecutor.
 6. The conditions of the pursuit, including, but not limited to, all of the following:
 - (a) Duration.
 - (b) Mileage.
 - (c) Number of deputies involved.
 - (d) Maximum number of units involved.

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- (e) Time of day.
 - (f) Weather conditions.
 - (g) Maximum speeds.
7. Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.
 8. Whether the pursuit involved multiple agencies.
 9. How the pursuit was terminated.
- (c) Damage to vehicles or property as a result of a PIT maneuver shall be investigate with an incident report and not require a Police Collision Traffic Report (PCTR).

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary CJTC training on pursuits, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times.

314.8.2 POLICY REVIEW

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

314.9 PURSUIT REVIEW FLOW CHART

- Pursuit event occurs
- All pursuits will be reviewed and entered into IAPro by the Lead EVOC Instructor or his/her designee.

Deputy Response to Calls

316.1 PURPOSE AND SCOPE

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

316.1.1 RESPONSE DEFINITIONS AND CODES

- (a) A routine response is defined as all vehicle operations except urgent and emergency responses and pursuit situations. Routine responses comprise all general patrol driving and when using the vehicle for transportation purposes. Commissioned personnel will respond without using emergency lights and siren and in compliance with all traffic regulations.
- (b) A "Code" response is defined as a response to calls involving known life threatening situations, Priority 1 or Priority 2 calls. This response would justify operating a vehicle under RCW 46.61.035 and other applicable Washington State statutes covering emergency vehicle operations.
- (c) "**Code 4**" is defined as no back-up needed.
- (d) "**Code 5**" is defined as assistance needed, this is a non-emergency.
- (e) "**Code 6**" is defined as back-up needed, this is a suspected emergency or a violent situation is developing.
- (f) "**Code 99**" is defined as back-up is needed immediately. This is an emergency.

316.2 RESPONSE TO CALLS

Calls for service are prioritized by the Combined Communications Center (see policy § 802). Deputies dispatched to Priority 1 or Priority 2 calls shall consider the call an emergency response and proceed immediately. Deputies responding to these emergency calls may determine that it is appropriate to utilize emergency equipment in order to facilitate a safe, efficient response. When operating "Code" (with emergency equipment engaged), deputies shall continuously operate emergency lighting equipment, including at minimum a steady forward facing emergency lights, and shall sound the siren as reasonably necessary (RCW 46.61.035).

Responding with emergency light(s) and siren does not relieve the deputy of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without emergency lights and siren does not provide any exemption from the law (RCW 46.61.035; WAC 204-21-130).

Deputies should only respond Code when circumstances reasonably indicate an emergency response is required and deputies shall notify the Combined Communications Center of the Code response.

Any Priority 3, 4 or 5 call is a routine call. Deputies are not authorized to respond "Code" for routine calls. Deputies responding to routine calls shall observe all traffic laws and proceed without the use of emergency lights and siren.

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316.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of deputies, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting deputy shall immediately notify the Combined Communication Center, "Code 4".

If circumstances permit, the requesting deputy should give the following information, when using a "Code 6":

- The unit number.
- The location.
- The reason for the request and type of emergency.
- The number of units required.

316.3.1 NUMBER OF UNITS ASSIGNED

Normally, only units directly assigned to the emergency call should respond "Code". Deputies who respond should reasonably assess factors such as:

- (a) Distance from the call
- (b) Relative exigency of the call
- (c) Weather and geographical conditions
- (d) Traffic
- (e) Deputies driving experience and ability

316.4 INITIATING "CODE" RESPONSE

If a deputy believes a "Code" response to any call is appropriate, the deputy should immediately notify Combined Communication Center, shall engage emergency equipment and proceed to the call.

316.5 RESPONSIBILITIES OF RESPONDING DEPUTY(S)

Deputies shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Deputies shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a "Code" response is at the discretion of the deputy. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the deputy should immediately notify the Combined Communication Center. A deputy shall also discontinue the "Code" response when directed by a supervisor.

316.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall dispatch Priority 1 and 2 calls via voice transmission. The dispatcher shall utilize the alert tone when appropriate under Communications Policy. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance.
 - (b) Notify and coordinate allied emergency services (e.g., fire and ambulance).
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- (c) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated.
- (d) Control all radio communications during the emergency and coordinate assistance under the direction of the Shift Commander, field supervisor or communications supervisor.

316.7 SUPERVISORY RESPONSIBILITIES

Regarding "Code" responses by units under his/her command, the Shift Commander or the field supervisor should monitor the following:

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

The field supervisor should monitor the response to Priority 1 and 2 calls, as practical, until the situation has been stabilized or terminated. If necessary, the field supervisor may assert control by directing units into or out of the response. If, in the supervisor's judgment, the circumstances require additional units to be assigned a "Code" response, the supervisor may do so.

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

When making the decision as to the appropriateness of a "Code" response, the Shift Commander or the field supervisor should consider the following:

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

316.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the "Code" response and respond accordingly. In such cases, the deputy shall notify the Shift Commander, field supervisor, or Combined Communication Center of the equipment failure so that another unit may be assigned to the emergency response if necessary.

316.9 OPTICOM SYSTEM

Opticom enables authorized emergency vehicles to remotely control traffic signals, and minimizes the danger and inconvenience caused by emergency responses when operated in a prudent manner. Opticom should not be used when responding to cold calls. Use of the Opticom system is limited to:

- a. Responding to In-progress calls.
- b. Responding to calls where there is a concern for the safety of citizens or other law enforcement officers.

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Misuse of the system will be grounds for disciplinary action. The Opticom system will be turned off whenever a deputy arrives on scene.

316.9.1 USE OF OPTICOM PROCEDURE

Vehicle operators should be aware the Opticom operates on a first come first served basis, and that some of the traffic control devices may be prioritized to give responding fire units first priority. Therefore it is possible a police vehicle using the device may not receive a green light. This could occur when multiple emergency vehicles converge from different directions at an intersection. Further, an emergency vehicle using an Opticom may not receive a green light should a larger vehicle block the Opticom signal or by a malfunction in the traffic signal itself. Drivers should be prepared and able to stop when approaching a red traffic light. Other considerations when using the Opticom are listed below (keep in mind this list is not all inclusive):

- Control of the intersection may be gained by the first emergency vehicle activating the Opticom. Opticom will not release control until the unit has been turned off or the vehicle has passed beneath the sensor. There is a lag for the subsequent vehicle approaching the intersection. When approaching the intersection beware responding fire units may have a higher priority programmed into the system.
- Pedestrians can be a very serious factor when intersection control is considered. Deputies must be aware that the walk light for a pedestrian may show at the same time you have phased to a green light.
- Opticom can be over-run by increasing the speed of the emergency vehicle using the device. No set speed has been determined; however, you are warned not to anticipate the light changing.
- Traffic control lights on flash sequence will not change by using the Opticom system.
- Opticom is not to be used to respond to cold calls. Use of the Opticom system is limited to:
 - Responding to In-progress calls.
 - Responding to calls where there is a concern for the safety of citizens or other law enforcement officers.

Canines

318.1 PURPOSE AND SCOPE

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate individuals, contraband and to apprehend criminal offenders.

318.2 GUIDELINES FOR THE USE OF CANINES

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

- (a) There is a reasonable belief that the individual poses an imminent threat of violence or serious harm to the public, any deputy or the handler.
- (b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The individual is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing deputy(s) shall not serve as good cause for the use of a canine to apprehend the individual.

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practical.

318.2.1 PREPARATIONS FOR UTILIZING A CANINE

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

- (a) The individual's age or estimate thereof.
- (b) The nature of the suspected offense.
- (c) Any potential danger to the public and/or other deputies at the scene if the canine is released.
- (d) The degree of resistance or threatened resistance, if any, the subject has shown.
- (e) The potential for escape or flight if the canine is not utilized.
- (f) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

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

A canine handler shall have the ultimate authority not to deploy the canine. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the canine shall remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the canine.

318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth, shall be made prior to releasing a canine. The canine handler, when practical, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

318.2.3 USE OF NARCOTIC-DETECTION CANINES

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

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

318.2.4 USE OF BOMB/EXPLOSIVE DETECTION DOGS

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a trained explosive detection dog team may be warranted. When available, a trained explosive detection dog team may be used in accordance with current law and under the following circumstances:

- (a) To assist in the search of a building, structure, area or vehicle where an actual or suspected explosive device has been reported or located.
- (b) To conduct preventative searches at locations such as special events, VIP visits, official buildings and other restricted areas. Because a dog sniff may be considered a search, such searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (c) To assist with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).
- (d) To assist in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
- (e) At no time will a detection dog be used to render a suspected device safe or clear.

318.2.5 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may be effectively utilized to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention) or suspects wanted for minor criminal offenses.

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In such circumstances, it will be necessary for the handler to evaluate the conditions and the ability of the canine to determine the feasibility of such an application.

- (a) Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such applications should be conducted on leash or under such conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual.
- (b) Throughout the deployment of the canine in such circumstances, the handler should consider issuing periodic verbal assurances that the canine will not bite or hurt the person.
- (c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.
- (d) Once the individual has been located, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practicable.

318.2.6 REPORTING CANINE USE, BITES AND INJURIES

Whenever a canine is deployed and intentionally bites or otherwise causes injury to a suspect, a supervisor shall be promptly notified and the injuries documented in an Incident Report and shall be completed by the handler and turned in to the Unit Coordinator/Shift Supervisor before going off duty unless a delay is approved by a supervisor.

Any unintended bite or injury caused by the canine during deployments, operations, training, presentations or under any other circumstances, either on-duty or off-duty, shall be promptly reported to the Unit Coordinator. Unintended bites or injuries caused by the canine should be documented in an administrative report, not on an Incident Report.

318.2.7 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Shift Commander.

Medical care for any injured canine shall follow the protocol established in the Medical Care of the Canine section of this policy.

The injury will be documented on a Canine Use Report Form.

318.2.8 ASSIGNMENT OF CANINES

The canine teams shall be assigned to the Patrol Division to supplement and assist the Patrol Division.

Canine teams should function primarily as cover units however; they may be assigned by the Shift Supervisor to other functions based on the needs of the watch at the time.

Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the Shift Supervisor.

318.3 REQUEST FOR USE OF CANINE TEAMS

Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Patrol Division or ISU for the Narcotic Detection team, shall go through the Unit Coordinator or the Shift Supervisor.

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318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Shift Commander or the Unit Coordinator must approve all requests for canine assistance from agencies outside of Spokane County subject to the following provisions:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
- (c) Canine teams shall not be called out while off-duty or used outside the boundaries of the County of Spokane unless authorized by the Shift Commander or the Unit Coordinator.
- (d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Unit Coordinator prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Unit Coordinator.

318.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

- (a) Spokane County Sheriff's Office deputy (currently off probation).
- (b) Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates or department approved kennel).
- (c) Live within 30 minutes travel time from the Spokane County limits.
- (d) Agree to be assigned to the position for a minimum of three years.

318.5 CANINE HANDLER RESPONSIBILITIES

318.5.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by the Unit Coordinator.

318.5.2 CARE FOR THE CANINE AND EQUIPMENT

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

- (a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all Sheriff's Office equipment under his/her control in a clean and serviceable condition.
- (c) Handlers shall permit the Unit Coordinator to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.

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- (d) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Unit Coordinator as soon as possible.
- (e) When off-duty, canines shall be maintained in kennels, provided by the County, or in a fenced yard at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock.
- (f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (g) Under no circumstances will the canine be lodged at another location unless approved by the Unit Coordinator or Shift Commander.
- (h) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Unit Coordinator or Shift Commander.
- (i) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Unit Coordinator so that appropriate arrangements can be made.

318.5.3 CANINE IN PUBLIC AREAS

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

- (a) Canines shall not be left unattended in any area to which the public may have access.
- (b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also insure that the unattended unit remains habitable for the canine.

318.5.4 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Collective Bargaining Agreement.

318.6 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by a department authorized canine veterinarian, except during an emergency as provided in Policy Manual § 318.6.2.

318.6.1 NON-EMERGENCY MEDICAL CARE

Major medical care will be coordinated through the Unit Coordinator.

Any indication that a canine is not in good physical condition shall be reported to the Unit Coordinator or the Shift Commander as soon as practical.

All records of medical treatment shall be maintained in the canine handler's personnel file.

318.6.2 EMERGENCY MEDICAL CARE

The handler shall notify the Unit Coordinator as soon as practicable when emergency medical care is required.

Depending on the severity of the illness or injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for

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treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

318.7 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current Criminal Justice Training Commission (CJTC) standards. Cross-trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet established standards.

The Unit Coordinator shall be responsible for scheduling periodic training for all department personnel in order to familiarize them with how to conduct themselves in the presence of department canines.

318.7.1 CONTINUED TRAINING

Each certification issued will remain valid as long as the composition and responsibility of the canine team does not change. A canine team's certification expires if the specific handler and canine, originally paired at the time of certification, cease to perform canine team functions together or if the function for which the team was certified changes.

Each canine team should if Master Trainers are available thereafter be re-certified to CJTC police service dog standards on an annual basis. Additional training considerations are as follows:

- (a) Canine handlers are encouraged to engage in additional training with approval of the Unit Coordinator.
- (b) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Spokane County Sheriff's Office.
- (c) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Shift Commander .

318.7.2 FAILURE TO SUCCESSFULLY COMPLETE CJTC TRAINING

No canine team failing CJTC police service dog certification, and if cross-trained, certification in established standards, shall be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

318.7.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's training file.

318.8 CANINE UNIT COORDINATOR RESPONSIBILITIES

The Unit Coordinator shall be appointed by staff and shall supervise the Canine Program. The Unit Coordinator is directly responsible to the Patrol Division Commander. The Unit Coordinator shall be responsible for, but not limited to, the following:

- (a) Reviewing all Canine Use Reports to insure compliance with policy, identify training issues and other needs of the program.
- (b) Maintain liaison with the vendor kennel.
- (c) Maintain liaison with administrative staff and functional supervisors.
- (d) Maintain liaison with other agency canine coordinators.

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- (e) Maintain accurate records to document canine activities.
- (f) Recommend and oversee the procurement of needed equipment and services for the unit.
- (g) Be responsible for scheduling all canine related activities.
- (h) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

318.9 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

The Sheriff or his/her designee may provide controlled substances for training purposes under the following conditions:

- (a) To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency.
- (b) Provided the controlled substances are no longer needed as criminal evidence.
- (c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training.

318.9.1 PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:

- (a) All necessary controlled substance training samples shall be acquired from the Spokane County Sheriff's Office's evidence personnel or from allied agencies to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.
- (b) The weight and test results shall be recorded and maintained by the SPD Internal Affairs Unit.
- (c) Any person receiving controlled substance training samples shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested as required by the canine coordinator. The results of the testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in accordance with DEA regulations.
- (f) The Canine Unit Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property Room or to the dispensing agency.

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- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of its training use or upon demand by the dispensing agency.

318.9.2 IMMUNITY

Spokane County Sheriff's Office deputies and any person working under their immediate direction, supervision or instruction, may possess controlled substances and paraphernalia only when such possession is in conjunction with the performance of their official duties, while providing substance abuse training to law enforcement or the community or while providing sheriff's canine drug detection training.

318.10 EXPLOSIVES TRAINING AIDS

Explosives training aids are required to effectively train and maintain the skills of explosives detection dogs and can also provide effective training for law enforcement personnel and the public. Peace officers are permitted by law to possess, transport, store or use explosives or destructive devices while acting within the scope and course of employment (RCW 70.74.191(4)). Explosives training aids designed specifically for K-9 teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids is subject to the following requirements:

- (a) All explosives training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials they contain.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosives training aids held by the Canine Unit.
- (c) The Canine Coordinator shall be responsible to verify the explosives training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the Canine Unit and EDU personnel shall have access to the explosives training aid storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosives training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or second person on scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosives training aid shall be promptly reported to the Unit Supervisor in writing who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Domestic Violence

320.1 PURPOSE AND SCOPE

Domestic violence is criminal conduct and it is the policy of the Spokane County Sheriff's Office to stress enforcement of criminal laws related to domestic violence, the protection of the victim and the availability of civil remedies and community resources. This includes the arrest of domestic violence offenders if there is probable cause to believe an offense has occurred.

Deputies should respond to domestic violence as they would to any other crime. However, the relationship between the victim and the accused creates additional responsibilities. Deputies should provide special assistance in cases of domestic violence, including efforts to inform these victims of services available to them.

320.1.1 DEFINITIONS

The Spokane County Sheriff's Office Domestic Violence policy is drafted in compliance with guidelines established and approved by the Criminal Justice Training Commission. Except where otherwise noted, the following definitions are provided per RCW 10.99.020:

Agency - Means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

Bodily Injury - Means physical pain, illness, or an impairment of physical condition.

Dating Relationship - Means a social relationship of a romantic nature RCW 26.50.010.

Domestic Violence - Means assaultive behavior committed by one family member against another and includes, but is not limited to any of the following crimes:

- (a) Assault in the first, second, third and fourth degree (RCW 9A.36.011 to RCW 9A.36.041).
- (b) Drive-by shooting (RCW 9A.36.045).
- (c) Reckless endangerment (RCW 9A.36.050).
- (d) Coercion (RCW 9A.36.070).
- (e) Burglary in the first and second degree (RCW 9A.52.020 and .030).
- (f) Criminal trespass in the first and second degree (RCW 9A.52.070 and .080).
- (g) Malicious mischief in the first, second and third degree (RCW 9A.48.070 to .090).
- (h) Kidnapping in the first and second degree (RCW 9A.40.020 and .030).
- (i) Unlawful imprisonment (RCW 9A.40.040).
- (j) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145).
- (k) Rape in the first and second degree (RCW 9A.44.040 and .050).
- (l) Residential burglary (RCW 9A.52.025).

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(m) Stalking (RCW 9A.46.110).

(n) Interference with the reporting of domestic violence (RCW 9A.36.150).

Employee - Means any person currently employed with an agency.

Family or Household Members - Means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

Foreign Protection Order - Means an injunction or other order related to domestic or family violence, harassment, sexual abuse, or stalking, for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person issued by a court of another state, territory, or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or any United States military tribunal, or a tribal court, in a civil or criminal action (RCW 26.52.010).

Harassment - Includes, but is not limited to, conduct that is classified in the jurisdiction where the conduct occurred as harassment or a crime committed in another jurisdiction that under the laws of this state would be classified as harassment under RCW 9A.46.040 (RCW 26.52.010).

Sworn Employee - Means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under RCW Chapter 36.28.

Victim - Means a family or household member who has been subjected to domestic violence.

320.2 OFFICER SAFETY

The investigation of domestic violence cases places deputies in emotionally charged and sometimes highly dangerous environments. No provisions of this guideline are intended to supersede the responsibility of all deputies to exercise reasonable care for the safety of any deputies and parties involved.

320.2.1 DEPUTY PROTECTION FROM LIABILITY

No deputy may be held criminally or civilly liable for making a domestic violence arrest if the deputy acts in good faith and without malice (RCW 26.50.140, 10.31.100(12), and 10.99.070). Deputies who willfully fail to enforce the law are not immune from liability, the above statutes notwithstanding. Victims of domestic violence must receive equal protection under the law and it is the policy of the Spokane County Sheriff's Office that all deputies will be held accountable for any willful failure to enforce domestic violence laws.

320.3 ENFORCEMENT OF DOMESTIC VIOLENCE

In its response to domestic violence all employees of the Spokane County Sheriff's Office should consistently stress the enforcement of the laws in order to protect the victim and

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communicate the attitude that violent behavior is criminal behavior and will not be tolerated. The following factors should not be used to avoid making an arrest:

- (a) Marital status of suspect and victim.
- (b) Whether or not the suspect lives on the premises with the victim.
- (c) Claims by the suspect that the victim provoked or perpetuated the violence.
- (d) Potential financial consequences of arrest.
- (e) The physical or mental health of either party.
- (f) Use of drugs or alcohol by either party.
- (g) Denial that the abuse occurred where evidence indicates otherwise.
- (h) A request by the victim not to arrest the suspect.
- (i) Location of the incident (public/private).
- (j) Speculation that complainant may not follow through with the prosecution.
- (k) The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

320.3.1 MANDATORY ARRESTS

Deputies who respond to an incident of domestic disturbance shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the deputy has probable cause to believe that:

- (a) An order has been issued of which the person has knowledge under RCW 26.44.063, or Chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person.
- (b) A foreign protection order has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime.
- (c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member and the deputy believes (RCW 10.31.100(2)):
 - 1. A felonious assault has occurred.
 - 2. An assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding deputy or not.
 - 3. That any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition.

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320.3.2 DUAL ARRESTS

In responding to domestic violence incidents, deputies should generally be reluctant to make dual arrests. Deputies shall make reasonable efforts to identify the primary physical aggressor in any incident. The primary physical aggressor is the person determined to be the most significant, and not necessarily the first aggressor. In identifying the primary physical aggressor, an deputy shall make reasonable effort to consider the following (RCW 10.31.100(2)(c)):

- (a) The intent of the law, which is to protect victims of domestic violence from continuing abuse.
- (b) The comparative extent of injuries inflicted or serious threats creating fear of physical injury.
- (c) The history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

320.3.3 RELEASE

Once a suspect has been arrested under the provisions of RCW 10.31.100(2) the suspect shall be taken to Detention Services. Deputies have no authority to subsequently release the arrested person and any post incarceration release decision will be the responsibility of corrections personnel.

320.3.4 PROTECTIVE ORDER VIOLATIONS

A willful violation of a no-contact provision of a court order is a criminal offense and shall be enforced accordingly to preserve the integrity and intent of the domestic violence act (RCW 26.50.110(1)). A deputy shall arrest without a warrant and take into custody a person whom the deputy has probable cause to believe has violated a valid protective order (RCW Chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34), or a valid foreign protection order that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order (RCW 26.50.110(2)(2)).

320.3.5 TENANCY ISSUES

- (a) If there is no court order in effect, officers may request a person who is not in lawful possession of the premises to leave when:
 1. The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.); and
 2. The complainant has requested that the person leave the premises.
- (b) The deputy should stand by until the suspect removes essential belongings.
 1. Deputies will not assist or participate in the division of property.
 2. Such civil standbys should be limited to no more than 20 minutes.
- (c) If the suspect does not leave upon request, an arrest may be made for trespass.
- (d) If the complainant requesting removal of the suspect cannot show proof of lawful possession, the deputy should refer the complainant for a Protection Order or other appropriate civil remedy.

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320.4 COURT PROTECTIVE ORDERS

There are three different types of court orders that can be issued by a court in domestic violence situations. They are intended as legal measures to prevent further acts of violence, contact threats or harassment. The three types of orders are:

- (a) Orders of Protection.
 - 1. Orders for protection must be personally served on the respondent by law enforcement or a process server; unless the court has ordered service by publication. The plaintiff cannot serve the respondent.
- (b) Civil Restraining Order.
 - 1. A restraining order is served on the respondent or the respondent's attorney. Usually this is part of a civil process, e.g., divorce.
- (c) Criminal Court Orders.
 - 1. A criminal no conduct order is served on the defendant upon release from Detention Services, at arraignment or sentencing. This department maintains a complete and systematic record of all outstanding court orders and proof of service (RCW 26.50.100(1)).

320.4.1 RETURN OF SERVICE

Whenever a member of the Sheriff's Office serves or assists in serving a court order and that service is completed, a Return of Service form shall be completed and submitted to the Washington Crime Information Center (WACIC). Such forms shall include:

- (a) Who was served.
- (b) What documents were served.
- (c) Court order name and number.
- (d) Date and time of service.
- (e) Address where service occurred.
- (f) Serving deputies' names, signatures and personnel numbers.

320.4.2 VERIFICATION OF RESTRAINING ORDERS

When deputies respond to violations of court orders it is necessary to verify the court order and its service prior to taking any enforcement action. All types of court orders are valid statewide. The court orders can be verified by:

- (a) A proof of service attached to the plaintiff's copy of the order, showing service on the respondent, no further verification is required.
- (b) Washington Crime Information Center (WACIC) check.
- (c) Contacting the law enforcement agency in the jurisdiction where the order was issued.
- (d) Contacting the Court Clerk's office.
- (e) Determining that the respondent has knowledge of the order:
 - 1. No proof of service is required for No Contact orders as the respondent's presence is required at the time of issue.
 - 2. If the order has been served, but neither the complainant nor the respondent has a copy reflecting the terms of the order, request that dispatch check the terms.

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If the order is not verifiable, the order shall not be enforced and the complainant should be advised to contact the court that issued the order, or the attorney who drafted the order. If probable cause exists that a separate crime has been committed, the suspect should be arrested regardless of the status of the order.

320.4.3 VALID FOREIGN (OUT OF STATE) ORDERS FOR PROTECTION WILL BE ENFORCED

Deputies of the Spokane County Sheriff's Office will enforce valid Foreign Orders for Protection as if these orders were issued in Washington State. Prior to taking enforcement action, deputies must verify that the Foreign Order for Protection is valid and that the respondent has been served. There is a presumption in favor of validity where a foreign order appears authentic on its face. This does not stop a deputy from taking action to investigate domestic violence incidents (e.g., stalking, harassment) which may be taking place in Washington State.

- (a) Disputes regarding provisions in out-of-state protection orders dealing with custody of children, residential placement of children or visitation with children will be resolved judicially. Deputies will not remove a child from his/her current placement unless:
 - 1. A writ of habeas corpus to produce the child has been issued by a superior court of Washington State submitted through the Sheriff's Civil Division; or
 - 2. There is probable cause to believe that the child is at risk of being abused or neglected and child would be injured or could not be taken into custody if it were necessary to first obtain a court order.

320.5 EVIDENCE

The following guidelines should be considered by deputies investigating domestic violence cases:

320.5.1 RECORDING INJURIES AND STATEMENTS

All visible injuries and claims of injuries should be photographed regardless of severity and all victims shall receive proper medical care, if needed or desired. If feasible, deputies may video record injuries and should seek permission from victims to record statements. Deputies should request that the victim complete and sign an authorization for release of medical records.

Victims whose injuries are not visible at the time of the incident shall be advised to contact the Investigation Division, in the event the injuries later become visible. An investigator may be assigned to ensure that the injuries are photographed during the course of preparing the case for court.

320.5.2 OTHER EVIDENCE

All injuries, whether observable or not, should be documented in the incident report. The emotional demeanor of the victim and suspect should be noted.

Deputies should impound all physical evidence that substantiates the victim's injuries and/or the crimes charged (e.g., weapons, torn clothing, and broken items).

320.6 VICTIM ASSISTANCE

During the course of investigation and reporting domestic violence cases, a deputy may assist a victim in many ways. Some suggested methods of assistance are:

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- (a) Assist in obtaining appropriate medical attention if a complainant claims injury, whether visible or not.
- (b) Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their safety, or the deputy determines a need exists.
- (c) Stand by for a reasonable amount of time when a complainant requests police assistance while removing essential items of personal property.

320.6.1 VICTIM'S RIGHTS

In all cases when a deputy responds to a domestic violence call, the deputy shall advise the victim of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of his/her legal rights and available remedies. The notice shall include giving each person a copy of a pamphlet as required pursuant to RCW 10.99.030(7).

The Investigative Division shall ensure that a current and accurate list of resources and services is maintained and made available to patrol personnel, and that the pamphlet material:

- (a) Is accurate.
- (b) Contains current statutorily required information (RCW 10.99.030(7)).
- (c) Contains advice to the victim of his/her right to initiate a criminal action per RCW 10.99.030(6)(a).

320.7 REPORTING OF DOMESTIC VIOLENCE

A written report must be completed on all incidents of domestic violence including when:

- (a) The suspect is at the scene and mandatory arrest is warranted.
- (b) The suspect is at the scene and mandatory arrest is not warranted.
- (c) The suspect has fled the scene and mandatory arrest is warranted.
- (d) The suspect has fled the scene and mandatory arrest is not warranted.

All such reports should be documented under the appropriate crime classification and, in the Type of Crime box of the crime report form, the distinction "Domestic Violence" should be made (RCW 10.99.030(10)).

If the responding officer determines that the call is not domestic violence in nature (e.g., landlord/tenant dispute) he/she will notify the Combined Communications Center to change the call type code in CAD (Computer Aided Dispatch System).

Victims will be asked to provide a written statement on the victim/witness statement form to include signing it. He/she will be asked to sign the Authorization For Release of Information for regarding medical records.

Reporting deputies should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence pamphlet provided to the victim. If the case number is not immediately available, an explanation should be given about how the victim can obtain the information at a later time.

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320.7.1 RECORD-KEEPING RESPONSIBILITIES

All law enforcement agencies are required to maintain records on the number of domestic violence related calls reported to their agency. This information is to be reported to the Washington Association of Sheriff's and Police Chiefs. It shall be the responsibility of the Records Manager to maintain and report this information as required (RCW 10.99.030).

320.8 DISPATCHER'S RESPONSIBILITIES

This Department considers calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any protection order and restraining orders to be of extreme importance and shall be ranked among the highest priorities. Dispatchers are not required to verify the validity of the protective order before responding to the request for assistance. All calls of domestic violence should be dispatched as soon as practical.

320.9 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report should consider the following:

- (a) The primary duty of deputies when responding to a domestic violence situation is to enforce the laws allegedly violated and to protect the complaining party (RCW 10.99.030(5)).
- (b) When a deputy responds to a domestic violence call and has probable cause to believe that a crime has been committed, he/she shall make an arrest pursuant to the criteria in (RCW 10.31.100 and RCW 10.99.030(6)(a)).
- (c) When a deputy has confirmed that a valid court order exists and has probable cause to believe the defendant has violated that order, the deputy shall make a physical arrest (RCW 10.99.055; RCW 10,31.100(a)(b)). Whenever a member of this department serves or assists in serving a court order and that service is completed, a return of service form shall be completed and submitted to the Washington Crime Information Center (WACIC).

Search & Seizure

322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Spokane County Sheriff's Office personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the Spokane County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Department will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.

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- (b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:
 - 1. Another deputy or a supervisor should witness the search.
 - 2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

322.5 DOCUMENTATION

Deputies are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Spokane County Sheriff's Office (42 USC § 5633).

324.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) or a juvenile who has violated RCW 9.41.040(2)(a)(iii) by possessing a handgun (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

Sight and sound separation - Located or arranged to prevent physical, visual or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include

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running away, underage possession of tobacco, curfew violation or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

324.2 POLICY

The Spokane County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Spokane County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

324.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Spokane County Sheriff's Office:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated
- (e) Extremely violent or continuously violent

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Spokane County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional.

If the deputy taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

324.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Spokane County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Spokane County Sheriff's Office without authorization of the arresting deputy's supervisor or the Shift Commander.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Spokane County Sheriff's Office (42 USC § 5633; RCW 13.04.116(b)).

324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Spokane County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (42 USC § 5633).

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324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (42 USC § 5633).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Spokane County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, juvenile offenders may be taken into custody under the following circumstances (RCW 13.40.040(1)):

- (a) Pursuant to a court order.
- (b) Without a court order, by a deputy if grounds exist for the arrest of an adult in identical circumstances.
- (c) When his/her parole has been suspended.

324.5 ADVISEMENTS

When a juvenile offender is taken into custody, the deputy should, as soon as practicable, notify the juvenile's parent, guardian or a responsible relative that the juvenile is in custody.

324.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Spokane County Sheriff's Office.
- (c) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (d) Any other information that may be required by DSHS.

324.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (42 USC § 5633). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Spokane County Sheriff's Office shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

324.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Spokane County Sheriff's Office shall ensure the following:

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- (a) The Shift Commander should be notified if it is anticipated that a juvenile may need to remain at the Spokane County Sheriff's Office more than four hours. This will enable the Shift Commander to ensure no juvenile is held at the Spokane County Sheriff's Office more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to legally obtained recorded interrogations.
- (d) Juveniles shall have reasonable access to toilets and wash basins.
- (e) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (f) Juveniles shall have reasonable access to a drinking fountain or water.
- (g) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (h) Juveniles should have privacy during family, guardian and/or lawyer visits.
- (i) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (j) Blankets should be provided as reasonably necessary.
- (k) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (l) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (m) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (n) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

324.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Spokane County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

324.10 PERSONAL PROPERTY

The deputy taking custody of a juvenile offender or status offender at the Spokane County Sheriff's Office shall ensure a thorough search of the juvenile's property is made and all

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property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Spokane County Sheriff's Office.

324.11 SECURE CUSTODY

Only juvenile offenders 14 years and older may be placed in secure custody. Shift Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

324.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to department members.
- (c) Initial placement into and removal from a locked enclosure shall be logged.
- (d) Random personal visual checks of the juvenile by staff member, no less than every 15 minutes, shall occur.
 1. All checks shall be logged.
 2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room.
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

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324.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Shift Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Spokane County Sheriff's Office. The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Sheriff and Investigation Unit supervisor.
- (b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the Prosecuting Attorney.
- (e) Evidence preservation.

324.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

324.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile offender may be photographed and fingerprinted as provided by RCW 43.43.735.

324.15 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Deputies of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

324.15.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER

A copy of the current policy of the Superior Court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Policy Manual.

324.15.2 RELEASE OF INFORMATION TO OTHER AGENCIES

It shall be the responsibility of the Records Manager and the appropriate Investigation Unit supervisors to ensure that personnel of those bureaus act within legal guidelines.

Abuse of Vulnerable Adults

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Sheriff's Office with direction and understanding of their role in the prevention, detection, and intervention in incidents of vulnerable adult abuse. It is the policy of the Spokane County Sheriff's Office to treat reports of violence against vulnerable adults as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and suspect(s).

326.2 DEFINITIONS

Definitions related to this policy include (RCW 74.34.020):

Abandonment - Action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter or health care.

Abuse - The willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse and exploitation of a vulnerable adult.

Consent - Express written consent granted after the vulnerable adult or his/her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

DSHS - The Department of Social and Health Services.

Exploitation - An act of forcing, compelling or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

Financial exploitation - The illegal or improper use, control over or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for profit or advantage.

Mental abuse - Any willful action or inaction resulting in mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling or swearing.

Neglect - A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare or safety including, but not limited to, conduct prohibited under RCW 9A.42.100.

Physical abuse - The willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping,

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pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

Self-neglect - The failure of a vulnerable adult, not living in a facility, to provide for him/herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

Sexual abuse - Any form of non-consensual sexual contact, including but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under RCW Chapter 71A.12, and a vulnerable adult living in that facility or receiving service from a program authorized under RCW Chapter 71A.12, whether or not it is consensual.

Vulnerable adult- Includes a person 60 years of age or older who has the functional, mental, or physical inability to care for him/herself; is found to be incapacitated under RCW Chapter 11.88; has a developmental disability as defined under RCW 71A.10.020; is admitted to any facility; is receiving services from home health, hospice, or home care agencies licensed or required to be licensed under RCW Chapter 70.127; is receiving services from an individual provider; who self-directs his/her own care and receives services from a personal aide.

326.3 MANDATORY REPORTING REQUIREMENTS

Pursuant to RCW 74.34.020(11) any deputy of the Spokane County Sheriff's Office is considered a mandated reporter. When there is reasonable cause to believe that abandonment, abuse, sexual or physical assault, financial exploitation or neglect of a vulnerable adult has occurred, mandated reporters shall immediately report to the Department of Social and Health Services (DSHS) regardless of jurisdiction (RCW 74.34.035).

326.3.1 RECORDS SECTION RESPONSIBILITY

The Records Section is responsible for providing a copy of the vulnerable adult abuse report to the DSHS. This requirement is applicable even if the initial call was received from DSHS.

326.4 DEPUTY RESPONSE

All incidents involving actual or suspected elder and dependent abuse shall be fully investigated and appropriately documented.

326.4.1 INITIAL RESPONSE

Deputies may be called upon to effect a forced entry as the first responder to the scene of a suspected elder abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, deputies should seek supervisory approval. Deputies must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

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326.4.2 STABILIZE THE SITUATION

Deputies must quickly assess the situation in an effort to ensure the immediate safety of all persons. Deputies shall also consider the following:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately whenever possible. Frequently it is wrongfully assumed that vulnerable adults are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately.
- (c) Assess and define the nature of the problem. Deputies should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention.

326.4.3 SUPPORT PERSONNEL

The following person(s) should be considered if it appears an in-depth investigation is appropriate:

- Patrol Supervisor.
- Detective personnel.
- Evidence collection personnel.
- DSHS personnel.

326.4.4 EMERGENCY PROTECTIVE ORDERS

In any situation which a deputy reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy should notify Elderly Services and attempt to assist where possible.

326.5 ELDER ABUSE REPORTING

Every allegation of vulnerable adult abuse shall be documented. Reporting of cases of vulnerable adult abuse is confidential and will only be released as per the Release of Records and Information Policy. The following information should be provided in addition to the general information provided on the crime report (RCW 74.34.035(8); RCW 74.34.040):

- The name and address of the person making the report
- The name of address of the vulnerable adult and the name of the facility or agency providing care for the vulnerable adult
- The name and address of the legal guardian or alternate decision maker
- The nature and extent of the abandonment, abuse, financial exploitation, neglect, or self-neglect
- The identity of the alleged perpetrator if known
- Other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect, or the cause of death of the deceased vulnerable adult

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326.6 CONFIDENTIALITY OF REPORTING PARTY

Absent a judicial proceeding or the person provides consent, the identity of the person making the report under this section is confidential (RCW 74.34.035(9); RCW 74.34.040).

Discriminatory Harassment

328.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

328.2 POLICY

The Spokane County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

328.3 DISCRIMINATION PROHIBITED

328.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department's commitment to a discrimination free work environment.

Retaliation is treating a person or applicant differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

328.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

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Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

328.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Washington State Human Rights Commission.
- (b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with County or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

328.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Sheriff or the County's Affirmative Action Officer.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

328.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure their subordinates understand their responsibilities under this policy.

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- (d) Ensure that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Sheriff in writing of the circumstances surrounding any reported allegations or observed acts of discrimination/harassment no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

328.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

328.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The County's Affirmative Action Officer will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

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Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff or the County's Affirmative Action Officer.

328.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe that they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

328.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and actions taken to remedy the complaint.

328.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- Approved by the Sheriff or the County's Affirmative Action Officer, if more appropriate.
- Maintained for the period established in the department's records retention schedule.

328.8 TRAINING

All new employees shall be provided with training on discriminatory harassment as part of their orientation. This training is handled during the county orientation process.

328.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Sheriff or the County's Affirmative Action Officer, or they may contact the Washington State Human Rights Commission at 800-233-3247.

Child Abuse Reporting

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Spokane County Sheriff's Office members are required to notify the Department of Social and Health Services, Child Protective Services (CPS) of suspected child abuse.

330.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

330.2 POLICY

The Spokane County Sheriff's Office will investigate all feasible incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

330.3 MANDATORY NOTIFICATION

Members of the Spokane County Sheriff's Office shall notify CPS when a report of abuse or neglect of a child is received or when there is reasonable cause to believe that a child has suffered abuse or neglect (RCW 26.44.030).

For purposes of notification, abuse or neglect of a child includes sexual abuse, sexual exploitation, or injury inflicted by any person under circumstances that cause harm to the child's health, welfare or safety, excluding lawful discipline, or the negligent treatment or maltreatment by a person who is responsible for, or providing care to, a child (RCW 26.44.020).

Deputies shall promptly notify CPS whenever a child under 13 years of age is in a vehicle being driven by the child's parent, guardian or legal custodian and that person is being arrested for a drug or alcohol-related driving offense (RCW 26.44.250).

If, during an investigation of drug manufacturing, a deputy discovers that a child is present at the investigation site, the deputy shall notify CPS as soon as possible (RCW 26.44.200).

330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (RCW 26.44.030(5)):

- (a) In emergency cases, notification to CPS should be made immediately when the child's welfare is endangered but in all such cases within 24 hours.
 - (b) In non-emergency cases, notification to CPS shall be made within 72 hours after a report is received.
 - (c) Notification, when possible, should include (RCW 26.44.040):
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1. The name, address and age of the child.
2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
3. The nature and extent of the alleged injury or injuries.
4. The nature and extent of the alleged neglect.
5. The nature and extent of the alleged sexual abuse.
6. Any evidence of previous injuries, including the nature and extent of the injury.
7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.

(d) The Department shall forward all case dispositions to Records for CPS access.

330.3.2 RELEASE OF REPORTS

Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to Policy § 810. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under RCW Chapter 74.15 (RCW 26.44.020(19)).

330.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate locations.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all required cases (RCW 26.44.030 (5) of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (RCW 26.44.180 et seq.)

330.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.
- (b) Refer _____ to _____ Protocol _____ at:
[\\spokanecounty.org\countysheriff\Data\LexipolPolicy\Spokane County Child Abuse Investigation Pr](http://spokanecounty.org/countysheriff/Data/LexipolPolicy/Spokane_County_Child_Abuse_Investigation_Pr)
- (c) Any relevant statements the child may have made and to whom he/she made the statements.

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- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Applicable local protocol regarding child abuse investigations (RCW 26.44.180 et seq.).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

330.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to CPS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (RCW 26.44.050):

- (a) A court order has been issued authorizing the removal of the child.
- (b) There is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order (e.g., the child could be taken and concealed).

330.6.1 SAFE HAVEN LAW

A parent is not guilty of abandonment when leaving a newborn 72 hours old or younger with a qualified person at the emergency department of a licensed hospital or a fire station while personnel are present (RCW 13.34.360). The qualified person shall notify CPS. CPS shall assume custody of the newborn.

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330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

For details see Spokane County Child Abuse Investigation Protocol at <\\spokanecounty.org\countysheriff\Data\LexipolPolicy\Spokane County Child Abuse Investigation Protocol>

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

330.7.3 TRAINING REQUIREMENT

For details see Spokane County Child Abuse Investigation Protocol at <\\spokanecounty.org\countysheriff\Data\LexipolPolicy\Spokane County Child Abuse Investigation Protocol>

330.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

330.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Unit Supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

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- (b) Activate any available interagency response when a deputy notifies the Investigation Unit Supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

330.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab where a child is present or where there is evidence that a child lives should:

- (a) Deputies shall write an incident report when responding to drug labs. The report should document the environmental, medical, social and other conditions that may affect the child and be forwarded to the DEC Detective/drug unit.
- (b) Notify the DEC Detective so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

330.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Release and Security Policy (RCW 42.56.240).

330.10.2 ARREST WITHOUT WARRANT

When a deputy responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause that a crime has been committed, or the deputy responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.44.130).

330.10.3 CASE SUBMISSION TO PROSECUTOR

The Spokane County Sheriff's Office shall forward all feasible cases of child abuse to the appropriate prosecutor when a crime may have been committed and (RCW 26.44.030):

- (a) A child has died or has had a physical injury.
- (b) Injuries were inflicted upon a child other than by accidental means.
- (c) A child has been subjected to sexual abuse.

330.10.4 AGENCY COORDINATION

If this department responds to a complaint of alleged child abuse and discovers that another agency has also responded to the complaint, this department shall notify the other agency of its presence. The agencies shall coordinate the investigation and keep each other apprised of progress (RCW 26.44.035).

330.10.5 LOCAL CHILD ABUSE PROTOCOLS

The Investigation Unit Supervisor should ensure that local child abuse protocols for the investigation of child abuse are available to those department members who have a role in child abuse investigations (RCW 26.44.180 et seq.).

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330.10.6 CONFLICT OF INTEREST IN INVESTIGATIONS

A deputy shall not participate as an investigator in a child abuse case concerning a child for whom he/she is, or has been, a parent, guardian or foster parent (RCW 26.44.190).

330.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Missing Persons

332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

332.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who (RCW 13.32A):

- (a) A Juvenile
 1. Who is absent from home for at least 72 consecutive hours without consent from his/her parents:
 2. Who is beyond the control of his/her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person or
 3. Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse.
- (b) Regardless of age
 1. The person is missing under unexplained, involuntary or suspicious circumstances and
 2. The person is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC) and the Washington Crime Information Center (WACIC).

332.2 POLICY

All personnel should accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. Reports should be taken on missing person regardless of jurisdiction.

332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Forensic Unit Supervisor shall ensure the following forms and kits are developed and available:

- Biological sample collection kits

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332.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

332.5 INITIAL INVESTIGATION

Deputies conducting the initial investigation of a missing person should take the following investigative actions, as appropriate:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting person and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) If the missing person is under 13 years of age, or there is evidence the person is at-risk or endangered, the department should broadcast a "be on the lookout" radio transmission without delay.
- (e) When a missing person is under the age of 21, Records Section personnel shall enter the information, via a Central Computerized Enforcement Service System (ACCESS), into the Washington Crime Information Center (WACIC) and the National Crime Information Center (NCIC) databases within two hours after accepting the report (42 U.S.C. 5779 (a)) and 42 U.S.C. 5780(3).
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 1. A photograph/CD/DVD and fingerprint card of the missing person, if available.
 2. Any documents that may assist in the investigation, such as court orders regarding custody.
 3. Any evidence that may assist in the investigation, including personal electronic devices.
- (h) Consider contacting the Washington State Patrols (WSP) Missing and Exploited Children's Task Force (MECTF) if additional resources are needed (RCW 13.60.110)

332.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

332.6.1 PATROL SUPERVISOR RESPONSIBILITIES

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate, initiating a command post as needed. The reports should be promptly sent to the Records Section.

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The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

332.6.2 RECORDS SECTION RESPONSIBILITIES

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Scan the report into OnBase for review by Investigative Division personnel.

332.7 INVESTIGATION UNIT FOLLOW-UP

The investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update WACIC, NCIC and any other applicable missing person networks within 60 days of the original entry into the networks and every 45 days thereafter until the missing person is located (42 USC § 5780).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 45 days.
- (f) Shall maintain a close liaison with the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 (42 USC § 5780).
- (g) Should make appropriate inquiry with the Medical Examiner.
- (h) Should obtain and forward medical records, photos, X-rays and biological samples, as applicable.
- (i) Should attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the WSP Missing and Unidentified Persons Unit (MUPU).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

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332.7.1 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED

When a person reported missing has not been found within 30 days of the report or at any time when criminal activity is suspected, the handling detective shall contact the county coroner or medical examiner to determine if that office has any information concerning the missing person. If, after conferring with the coroner or medical examiner, the person is still determined to be missing the handling deputies shall complete the following:

- (a) File a missing person's report with MUPU.
- (b) Initiate the collection of biological samples from the known missing person and his/her family members for nuclear and mitochondrial DNA testing along with the necessary consent forms, if not previously obtained during the investigation.
- (c) Ask the missing person's family or next of kin to give written consent to request the person's dental records.
 1. Whenever possible, obtain diagnostic quality copies or original records of the missing person's dental records. As soon as possible, biological samples shall be submitted to the appropriate lab; dental records shall be submitted to MUPU (RCW 43.43.751; RCW 68.50.320).

In all missing person cases, the assigned detective should attempt contact with the reporting party no less than every three months in order to verify the status of the reported missing person. After 12 months, contact with the reporting party should be attempted yearly. All verifications should be reported to WSP via A Central Computerized Enforcement Service System (ACCESS).

332.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to MUPU.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MUPU.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

332.8.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

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332.9 CASE CLOSURE

The Investigation Unit Supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Spokane or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

332.10 TRAINING

Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 1. Assessments and interviews
 2. Use of current resources, such as Mobile Audio Video (MAV)
 3. Confirming missing status and custody status of minors
 4. Evaluating the need for a heightened response
 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

332.11 ADVISORY PLANS

Missing Person Safety Advisory Plan

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The Missing Person Safety Advisory plan is for abducted children and also for vulnerable persons such as Alzheimer's patients that are in danger of serious bodily harm. This plan accommodates slightly lower alert situations and is activated using the Safety Advisory procedures as well as an email dissemination process. The Missing Person Safety Advisory plan may be activated independently whenever law enforcement determines activation of EAS is not necessary, such as during a situation with a lost Alzheimer patient. The Spokane County Sheriff's Office is an active participant. Other participants are the Spokane Police Department, Operation Family I.D., and the Inland Northwest Operational Emergency Alert System. To start the process, with the help of an S.C.O.P.E. volunteer, a photograph of a participating person is taken on a digital camera. This camera writes the picture to a floppy disk. Once the picture is taken, the disk is sent home with the parent(s) or participating individual. An information card that includes an accurate description of the person and a set of his/her fingerprints accompanies the disk. This information can then be made available to deputies responding to a missing person call. The implementation of the plan is as follows:

- (a) A deputy responding to a report of a missing person will ask the reporting person if they are participating in the Operation Family ID plan.
- (b) After a search has been conducted and the missing person has not been found, a deputy will ask for the information packet on the missing person. The information packet will be taken to the dispatch center, and the dispatch center will distribute the information to participating media by both fax and e-mail. The fax message will contain a description of the missing person and a notification to look for a forthcoming e-mail. Inside the information packet will be a diskette containing a color photo of the missing person, which will be attached to the e-mail. It is intended that television and radio stations broadcast safety advisories on missing persons.

MISSING PERSON SAFETY ADVISORY PLAN ACTIVATION CRITERIA

The Inland Northwest Local Emergency Communications Committee (LECC) has also approved the use of these procedures to relay information to the media and others on missing children or persons such as Alzheimer patients. This will be accomplished using the "Safety Advisory" procedures. The criteria for activation will be as follows:

- (a) The missing child must be of an age where he or she is unable to care for himself or herself or for a person of any age with proven mental or physical disability, and
- (b) Law enforcement officials must believe the missing child or vulnerable person is in danger of serious bodily harm or a victim of criminal intent.

The Spokane County Sheriff's Office Combined Dispatch Center or Kootenai County 911 Dispatch Center will forward information on the missing person, and a picture if available, to the media and others using a FAX for initial notification and then followed by an email.

If there is a possible need for Search and Rescue operations the Emergency Operations Deputy will be notified to evaluate the situation and determine what response will be taken. If Search and Rescue operations are needed the Emergency Operations Deputy will notify the DEM duty officer for implementation of their protocol.

ALZHEIMER PATIENTS AND THE "CARE TRACK DEVICE"

Time is of the essence when searching for Alzheimer patients. They may be extremely fit or seriously ill, but in either case they have a diminished mental capacity. A system has been devised where by some Alzheimer patients have purchased a bracelet containing a radio transmitter, which is known as the Care Track Device. Because its range is limited, all frequency information concerning the Care Track Device will be relayed as soon as possible.

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When receiving a call of a missing Alzheimer patient, the caller will be asked if the patient is wearing a Care Track Device.

- (a) If the patient is wearing a device and the frequency is known then immediately relay the information to the dispatch center. The dispatch center will immediately notify the Emergency Operations Deputy. The Emergency Operations Deputy will evaluate the situation to determine what response will be taken. If Search and Rescue operations are needed the Emergency Operations Deputy will notify the DEM duty officer for implementation of their protocol.
- (b) If the patient is wearing the device and the frequency is not known then get the person's name and date of birth. This information will be relayed immediately to the dispatch center. The dispatch center will immediately notify the Emergency Operations Deputy who will evaluate the situation to determine what response will be taken. If Search and Rescue operations are needed the Emergency Operations Deputy will notify the DEM duty officer for implementation of their protocol.
- (c) If the patient is not wearing the device the call will be handled as a missing persons call and the Missing Person Safety Advisory plan may be activated.

Public Alerts

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.3 RESPONSIBILITIES

334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Spokane County Sheriff's Office should notify their supervisor, Shift Commander or Investigation Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

334.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES

The Sheriff should designate a public alert reporting officer, who is responsible for:

- (a) Remaining familiar with the protocols for activating, maintaining and cancelling all applicable public alerts.
- (b) Being the point of contact with the Washington AMBER Alert Advisory Committee.
- (c) Ensuring the Department has members who have completed the appropriate training.

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334.4 WASHINGTON STATEWIDE AMBER ALERT™ PLAN

The AMBER Alert™ Plan is a voluntary partnership between law enforcement, state government agencies, broadcasters and other participants to rapidly disseminate information to enhance the public's ability to assist in recovering abducted children (RCW 13.60.010).

The Spokane County Sheriff's Office participates in this partnership and may initiate an AMBER Alert to disseminate information to the public when the criteria for an AMBER Alert are met.

334.4.1 ALERT CRITERIA

The following criteria must exist prior to requesting an AMBER Alert:

- (a) The child is under 18 years of age and is known to have been abducted. The child is not a runaway or a throw-away child from home.
- (b) The abducted child is believed to be in danger of death or serious bodily injury.
- (c) The AMBER Alert activation should occur within four hours of the qualifying event unless circumstances or the timeliness of the information warrant otherwise.
- (d) There must be enough descriptive information to believe that an AMBER Alert activation will assist in the recovery of the child, including:
 1. Where the abduction took place.
 2. A specific physical description of the child: height, weight, age, hair color and length, eye color, clothing worn when the child was last seen, and any distinguishing physical characteristics.
 3. A physical description of the abductor: height, weight, age, hair color and length, eye color, clothing worn when the suspect last seen, and any distinguishing physical characteristics.
 4. Place last seen.
 5. Description of the vehicle: color, make, model, license number, approximate year.
- (e) The incident must be reported to and investigated by a law enforcement agency.

334.4.2 PROCEDURE

Should the Shift Commander or supervisor determine that the incident meets the criteria of the Washington Statewide AMBER Alert Plan, the Shift Commander or supervisor should:

- (a) Collect the information required by the plan.
 - (b) Contact the Combined Communication Center to request an activation of the Washington Statewide AMBER Alert Plan and the Portal.
 1. The Combined Communication Center or designee initiates the state AMBER Alert process at the request of local law enforcement and notifies the Washington State Department of Transportation (WSDOT), Emergency Management Division (EMD) and Washington State Patrol ACCESS (A Central Computerized Enforcement Service System).
 2. The Combined Communication Center or designee provides AMBER Alert cancellation notification to WSDOT, EMD and ACCESS.
 - (c) Provide the information required in the plan.
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- (d) Designate or assume the role of point of contact.

334.4.3 INITIAL NOTIFICATIONS

Upon initiation of an AMBER Alert, the Shift Commander or supervisor shall:

- (a) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and National Crime Information Center (NCIC) databases.
- (b) Promptly notify the Sheriff and the appropriate Division Commander of any AMBER Alert activation.
- (c) Ensure the preparation of an initial press release that includes all the information required by the Washington Statewide AMBER Alert Plan, and any other available information that might aid in locating the child, such as:
 - 1. A photograph.
 - 2. Detail regarding location of incident, direction of travel, potential destinations, etc., if known.
 - 3. Name and telephone number of the Public Information Officer or other authorized point of contact to handle media and law enforcement liaison.
 - 4. A telephone number and point of contact for the public to call with leads or information.

334.4.4 POST-INCIDENT REPORTING

The Sheriff shall be responsible for submitting the AMBER Alert Report to the Washington State Police Chiefs (WASPC) in a timely fashion. The Sheriff or the authorized designee shall be responsible for representing the Department during the AMBER Alert Review Committee's after-action review of the alert.

334.5 ENDANGERED MISSING PERSON ADVISORY

The Endangered Missing Person Advisory is a voluntary partnership between law enforcement, other government agencies and local broadcasters to rapidly disseminate information to law enforcement agencies, the media and the public about a missing and endangered person in circumstances that do not qualify for an AMBER Alert (RCW 13.60.050).

The Spokane County Sheriff's Office participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of an Endangered Missing Person.

334.5.1 ADVISORY CRITERIA

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

- (a) The person is missing under unexplained, involuntary or suspicious circumstances.
 - (b) The person has a developmental disability, is a vulnerable adult or is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance (RCW 13.60.010).
 - (c) There is enough information that could assist the public in the safe recovery of the missing person (e.g., photo or description, clothing worn when last seen, vehicle, location last seen).
 - (d) The incident has been reported to and investigated by a law enforcement agency.
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334.5.2 PROCEDURE

Should the Shift Commander or supervisor determine that the incident meets the criteria of an Endangered Missing Person Advisory, the Shift Commander or supervisor should:

- (a) Direct Records Section personnel to prepare the Endangered Missing Person Advisory administrative message through A Central Computerized Enforcement Service System (ACCESS). The words Endangered Missing Person Advisory should be included in the title of the message.
- (b) Contact the WSP Missing Persons Unit (MPU) to verify that it received the advisory.
- (c) Direct Records Section personnel to enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).
- (d) Advise Combined Communication Center of the advisory and ensure that it is prepared to handle a high volume of telephone calls.
- (e) Ensure that the handling deputy attempts to obtain a photograph of the missing person and/or suspect as soon as possible.
- (f) Direct the Records Section to enter the photograph into WACIC and NCIC, then send an e-mail to the WSP MPU.
- (g) Appoint a Public Information Officer to handle the media.
 1. The Public Information Officer should notify the media through appropriate channels regarding the Endangered Person Advisory. Upon request, the WSP MPU can provide electronic posters with details of the missing person.
 2. If the Endangered Missing Person is 21 years of age or younger, NCMEC should be notified as soon as practicable.
- (h) The Records Section personnel should promptly cancel the advisory after an Endangered Missing Person is located by sending an administrative message through ACCESS, noting that the person has been found.

334.6 BLUE ALERTS

The Blue Alert system is a voluntary cooperation between law enforcement, state government agencies and local broadcasters to enhance the public's ability to assist in locating and apprehending persons suspected of killing or seriously injuring a law enforcement officer (RCW 10.108.030).

The Spokane County Sheriff's Office participates in this partnership and may initiate a Blue Alert to disseminate information to the public when the criteria for a Blue Alert are met.

334.6.1 CRITERIA

All of the following criteria are required to exist prior to initiating a Blue Alert (RCW 10.108.030):

- (a) The suspect has not been apprehended.
 - (b) The suspect poses a serious threat to the public.
 - (c) Sufficient information is available to disseminate to the public to assist in locating and apprehending the suspect.
 - (d) The release of the information will not compromise the investigation.
 - (e) The release of the information will not improperly notify a deputy's next of kin.
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334.6.2 PROCEDURE

Should the Shift Commander or supervisor determine that the incident meets the criteria of a Blue Alert, the Shift Commander or supervisor should:

- (a) Direct Records Section personnel to prepare a Blue Alert administrative message through ACCESS. The words, Blue Alert Advisory should be included in the title of the message.
- (b) Contact WSP Communications to verify that the advisory was received and, if available, provide the suspect's vehicle information and request the Washington Department of Transportation (WSDOT) to activate variable message signs.
- (c) Ensure that descriptive information about the suspect, the suspect's whereabouts and the suspect's method of escape is disseminated.
- (d) Appoint a Public Information Officer to issue press releases and handle media inquiries.
 - 1. The Public Information Officer should be updated continually and be in constant contact with all media outlets to obtain maximum media exposure, provide updates and cancel the Blue Alert when appropriate.
- (e) Advise Combined Communication Center of the Blue Alert and ensure that it is prepared to handle a high volume of telephone calls.
- (f) Ensure that a press release is issued cancelling the Blue Alert.

334.7 OTHER RESOURCE CONSIDERATIONS

The Shift Commander or supervisor should consider the following resources, as appropriate:

- (a) Local allied law enforcement agency resources
- (b) FBI local office
- (c) The National Center for Missing and Exploited Children (NCMEC)
 - 1. Monitor the Cyber Tipline® link and post missing children alerts
- (d) The National Oceanic Atmospheric Administration (NOAA)
 - 1. Will relay AMBER Alerts over Weather Radio

Victim Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

The Spokane County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Spokane County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

336.4 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate Crimes

338.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 DEFINITIONS

Except where otherwise noted, the following definitions are provided per RCW 9A.04.110:

Bodily Injury, Physical Injury, or Bodily Harm - Physical pain or injury, illness, or an impairment of physical condition.

Malice and Maliciously - To import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

Reasonable Person - A member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same mental, physical, or sensory handicap as the victim (RCW 9A.36.080).

Sexual Orientation - Heterosexuality, homosexuality, bisexuality and gender expression or identity. As used in this definition, gender expression or identity means having or being perceived as having a gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth (RCW 49.60.040(15)).

Threat - To communicate, directly or indirectly, the intent to cause bodily injury immediately or in the future to any other person or to cause physical damage immediately or in the future to the property of another person.

338.3 CRIMINAL STATUTES

338.3.1 MALICIOUS HARASSMENT

A person is guilty of malicious harassment if he/she maliciously and intentionally commits one of the following acts because of his/her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap (RCW 9A.36.080):

- (a) Causes physical injury to the victim or another person.
- (b) Causes physical damage to or destruction of the property of the victim or another person.

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- (c) Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under the circumstances.

338.3.2 PRIMA FACIE ACTS OF HATE

Prima facie acts of hate are (RCW 9A.36.080):

- (a) Burning a cross on property of a victim who is or whom the actor perceives to be of African American heritage.
- (b) Defaces property of a victim who is or whom the actor perceives to be of Jewish heritage by defacing the property with a swastika.

338.3.3 THREATS TO BOMB OR INJURE PROPERTY

It is unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated (RCW 9.61.160).

338.3.4 FEDERAL JURISDICTION

The federal government has the power to investigate and prosecute bias-motivated violence by giving the U.S. Department of Justice jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

338.4 CIVIL STATUTES

In addition to the criminal penalty provided in RCW 9A.36.080 for committing a crime of malicious harassment, the victim may bring a civil cause of action for malicious harassment against the harasser. A person may be liable to the victim of malicious harassment for actual damages, punitive damages of up to ten thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action (RCW 9A.36.083).

338.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups about hate crime laws.

338.6 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of the Sheriff's Office receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

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- (a) Deputy(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned deputy(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.
- (d) The assigned deputy(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (e) Depending on the situation, the assigned deputy(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.
- (f) The assigned deputy(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned deputy(s) before the end of the shift.
- (g) The assigned deputy(s) will provide the victim(s) of any suspected hate crime with a Crime Victim Information card.
- (h) The assigned deputy(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

338.6.1 INVESTIGATION UNIT RESPONSIBILITY

If a case is assigned to the Investigation Unit, the assigned detective will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the County Prosecutor and other appropriate law enforcement agencies, as appropriate.
- (b) Maintain contact with the victim(s) and other involved individuals as needed.

A sheriff's office administrative designee will maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Washington Association of Sheriffs and Police Chiefs (WASPC) (RCW 36.28A.030).

338.7 TRAINING

All members of this department will receive CJTC approved training on hate crime recognition and investigation (RCW 43.101.290).

Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

This policy applies to all employees (full- and part-time), reserve deputies and volunteers.

340.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

340.2.1 PROGRESSIVE DISCIPLINE

The administration of discipline is generally expected to be progressive in nature, with relatively minor violations of rules resulting in minor disciplinary action for first offenders. Repetitive similar violations, or more serious violations, would generally result in progressively more serious forms of discipline being administered.

Nothing in this policy is intended to preclude the administration of more serious forms of discipline, including termination, for a first offense when warranted by the seriousness of the offense.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

340.3.1 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Department within 24 hours of any change in residence address or home phone number.
- (e) Failure to comply with attendance-related policies.

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340.3.2 CONDUCT

- (a) Any conduct tending to destroy public respect and confidence in the operation of police services or affecting morale or the efficiency of the Sheriff's Office. Deputies 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 officer shall include that which brings the department into disrepute or reflects discredit upon the deputy as a member of the department or that, which impairs the operation or efficiency of the department or any deputy or employee.
- (b) Vice and organized crime investigations place a heavy burden on law enforcement personnel. All personnel will at all times conduct themselves in a professional manner. They will stay alert to the possibilities and consequences of corruption. No illegal acts will be tolerated.
- (c) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.
- (d) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.
- (e) Using Departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records
- (f) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (g) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through unreasonable carelessness or maliciousness.
- (h) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution under this policy.
- (i) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (j) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt gain influence or authority for non-departmental business or activity (RCW 9A.80.010)
- (k) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the expressed authorization of the Sheriff or his/her designee may result in discipline under this policy.
- (l) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Sheriff.
- (m) Discourteous or disrespectful treatment of any member of the public or any member of this department or another law enforcement agency.
- (n) Unwelcome solicitation of a personal or sexual relationship while on or off-duty or through the use of official capacity.
- (o) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.

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340.3.3 DISCRIMINATION

- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.
- (b) Violation of Departmental or County policies prohibiting discrimination and harassment.

340.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Failure to promptly disclose to an immediate supervisor the use of any over-the-counter or prescription medication containing a controlled substance which have warning labels or notices which have reported side effects that could reasonably be expected to affect the ability of the employee to safely perform the essential functions of the job.
- (d) Reporting for work or being at work following the use of a controlled substance or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.
- (e) Unauthorized possession, use of, or attempting to bring a controlled substance or illegal drug to any work site.
- (f) Committing any violation of departmental policies related to the possession, use or consumption of drugs or alcohol.
- (g) The unauthorized or illegal manufacture, distribution, dispensation, possession or use of alcohol or a controlled substance while on the job or on County property or in a County vehicle is prohibited and could lead to discipline up to and including discharge.

340.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without reasonable and bona fide excuse.
- (d) Concealing or attempting to conceal defective work, removing, destroying or otherwise concealing it without permission.
- (e) Disobedience or insubordination including refusal or deliberate failure to carry out or follow any proper order from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

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- (g) Disparaging remarks or conduct to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with each of the policies contained herein.
- (n) Work related dishonesty, including attempted or actual theft of department property, services or the property of others.
- (o) Unauthorized removal or possession of Departmental property or the property of another employee.
- (p) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship (on or off duty)
- (q) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report, form, or during the course of any work-related investigation.
- (r) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.
- (s) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knows or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.
- (t) Offer or acceptance of a bribe or gratuity.
- (u) Misappropriation or misuse of public funds.
- (v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (w) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

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- (x) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in, or are continuing to engage in, serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
- (y) Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on duty, on department property, or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Sheriff.
- (z) Engaging in political activities during assigned working hours except as expressly authorized by the Sheriff.
- (aa) Violating any misdemeanor or felony statute.
- (ab) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
- (ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ad) Failure to maintain required and current licenses (e.g. driver's license) and certifications.
- (ae) False or misleading statements to a supervisor or other person in a position of authority in connection with any investigation or employment-related matter.
- (af) Failure to comply with the oath of office and agency policies, including the duty to be truthful and honest in the conduct of official business.

340.3.6 SAFETY

- (a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain physical condition sufficient to safely perform all essential functions of the law enforcement position held.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Engaging in any serious or repeated violation of departmental safety standards or safe working practices.

340.3.7 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

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340.3.8 SUPERVISION RESPONSIBILITY

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

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020, Collective Bargaining Agreement and RCW 41.14.120.

- (a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service pursuant to RCW 41.14.120, shall be removed, suspended, demoted or discharged except for cause, and only upon:
 - 1. Written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the civil service commission.
- (b) In the event the conduct in question is potentially criminal in nature, the employee shall be provided with and required to sign a "Garrity" notice. In an administrative investigation of criminal conduct if an employee is compelled to provide testimony a Garrity notice shall be issued and signed.

340.4.1 WRITTEN REPRIMANDS

Unless otherwise specified in a collective bargaining agreement, an employee wishing to formally appeal a written reprimand must submit a written request to his/her Division Commander within ten days of receipt of the written reprimand. The Division Commander will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The uninvolved supervisor will forward investigative summary to the Sheriff for final decision. The decision of the Sheriff to sustain, modify or dismiss the written reprimand shall be considered final, subject to any appeal rights set forth in the grievance procedure in a collective bargaining agreement.

340.4.2 REMOVALS, SUSPENSIONS, AND DEMOTIONS

After such investigation the civil service commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of, or reemployment of, such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.

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The civil service commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer (RCW 41.14.120).

340.5 POST INVESTIGATION PROCEDURES

340.5.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved employee shall review the entire investigative file, the employee's personnel file and any other available materials identified as relevant to the investigation.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

- (a) Prior to forwarding recommendations to the Sheriff, the Division Commander may return the entire investigation to the assigned detective or supervisor for further investigation or action.
- (b) When forwarding any written recommendation to the Sheriff, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

340.5.2 RESPONSIBILITIES OF THE SHERIFF

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials.

The Sheriff may modify any recommendations and/or may return the file to the Division Commander for further investigation or action.

- (a) In the event disciplinary action is recommended, which, if implemented, would result in the deprivation of a property or liberty interest, the Sheriff shall provide the employee with written (*Loudermill*) notice of the following information:
 - 1. Specific charges set forth in separate counts, describing the conduct underlying each count.
 - 2. A separate recommendation of proposed discipline for each charge.
 - 3. A statement that the employee has been provided with or given access to all of the materials considered by the Sheriff in recommending the proposed discipline.
 - 4. An opportunity to respond orally or in writing to the Sheriff within five days of receiving the *Loudermill* notice.
 - 5. A statement that the employee is entitled to union representation, if represented by a union.
- (b) Upon a showing of good cause by the employee, the Sheriff may grant a reasonable extension of time for the employee to respond.
- (c) If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

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1. The *Loudermill* response is not intended to be an adversarial or formal hearing.
2. Although the employee may be represented by an uninvolved representative or legal counsel, the *Loudermill* response is not designed to accommodate the presentation of testimony or witnesses.
3. The employee, union, or attorney representing the employee, may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
4. In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
5. The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issue(s) of information raised in any subsequent materials.
6. Once the employee has completed his/her *Loudermill* response or, if the employee has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline.
7. Once the Sheriff has issued a written decision, the discipline shall become effective.

340.6 EMPLOYEE RESPONSE

- (a) Any person so removed, suspended, demoted or discharged may within ten days from the time of his/her removal, suspension, demotion or discharge, file with the civil service commission a written demand for an investigation, whereupon the commission shall conduct such investigation (RCW 41.14.120).
- (b) The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith for cause.
- (c) After such investigation the civil service commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of, or reemployment of, such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.
- (d) The civil service commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay.
- (e) The findings of the civil service commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.
- (f) All investigations made by the civil service commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity to appear in person and by counsel, and to presenting his/her defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may:

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1. Appeal there from to the court of original and unlimited jurisdiction in civil suits of the county wherein he/she resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court.
2. The civil service commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: Provided, however, that such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline. Any such tender will be evaluated to determine whether that action renders any further investigation or action moot.

340.8 POST LOUDERMILL PROCEDURE

In situations in which the imposed discipline amounts to a written reprimand or less, the employee's right to formally respond shall be limited to the aforementioned Loudermill process and the appeal process detailed in 340.41. In situations resulting in the imposition of a suspension, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Sheriff's imposition of discipline pursuant to the operative memorandum of understanding (MOU), Policy Manual § 1006 and RCW 41.14.120 or applicable collective bargaining provisions.

340.9 NOTIFICATION TO CJTC CERTIFICATION BOARD

Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify CJTC on a personnel action report form provided by the commission. The agency of termination shall, upon request of CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation of the peace officer's certification (RCW 43.101.135).

340.10 POSTING OF DISCIPLINARY ACTION

Internal disclosure of administrative disciplinary action will occur only when there has been a sustained finding and the discipline imposed is equal to or greater than 40 hours without pay.

- Any disclosure will include the name of the deputy or employee being disciplined.
- A summary of all violations that the employee is being disciplined for.
- The discipline imposed.

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The method of notification will consist of a memorandum of disciplinary action issued by the Office of Professional Standards to each department head and Lieutenant. Each Lieutenant will make a reasonable effort to read the memorandum to each member under their command and return it to the Office of Professional Standards within the listed time parameter.

Department Technology Use

342.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems.

342.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

342.2 DEFINITIONS

The following definitions relate to terms used within this policy:

Technology Resources - Shall mean all computers (on-site and portable), hardware, software, two-way radios, cellular or satellite communication devices, voice mail systems and all similar resources owned, leased, rented or licensed by the Spokane County Sheriff's Office, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including shareware. This does not include files created by the individual user.

Temporary File or Permanent File or File - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW

An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the department information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

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Reasons for inspection or review may include but are not limited to system malfunctions, problems or general system failure, a lawsuit against the Department involving the employee, or related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service or information when the employee is unavailable.

342.4 DEPARTMENT PROPERTY

All information, data, documents, communications and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

342.5 UNAUTHORIZED USE OF SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Files or software that an employee finds necessary to upload onto a department computer or network shall be done only with the expressed approval of Information Services and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the Department and involved employees to severe civil and criminal penalties.

342.6 PROHIBITED AND INAPPROPRIATE USE

Access to department technology resources including Internet access provided by or through the Department shall be strictly limited to department-related business activities. Data stored on, or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the prior approval of a supervisor as a function of an assignment. Occasional and limited personal use of County equipment and resources may be allowed during meal and rest breaks, but only if:

- (a) There is no cost to the County and the use does not interfere with job performance of official duties.
- (b) The use is brief in duration and does not disrupt or distract from County business due to volume or frequency.
- (c) The use does not compromise the security or integrity of County equipment and resources.

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Downloaded information shall be limited to messages, mail and data files which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources, including the Internet, to a supervisor.

342.7 PROTECTION OF DEPARTMENT SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

Department approved anti-virus software will be running on all computers that are connected to the Internet to check downloaded files, e-mail and attachments for embedded viruses. Suspected problems with any security or anti-virus protections shall be promptly reported.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

342.7.1 NETWORK SECURITY

Network security protocols are established to ensure the integrity and security of the network systems. Employees shall not attempt to circumvent these protocols and shall observe the following:

- (a) Access to the network server and peripherals is locked and access is strictly limited to authorized personnel.
- (b) The network shall not be connected to any external network without a firewall in place.
- (c) No dial-up modem or work stations with dial-up modems will be connected to the network without additional authentication techniques beyond login name and password.

342.7.2 SYSTEM BACK-UP

Information Services personnel shall be responsible for establishing regularly scheduled network system back-up protocols. Retention of all system back-ups should be managed by their category in compliance with the current Records Management Guidelines and General Records Retention Schedules (Schedule Number L08 Information Systems).

342.7.3 CAD/RMS PASSWORDS

In order to assure the security of our information systems and meet the requirements of technical audits, the following criteria for passwords shall be followed:

- CAD/RMS passwords shall be a minimum of eight characters.
- CAD/RMS passwords shall contain a mix of characters and numbers.
- User IDs and CAD/RMS passwords shall be different.
- CAD/RMS passwords shall change every 90 days.
- CAD/RMS passwords shall not be reused in fewer than ten changes.
- CAD/RMS passwords shall not be shared or disseminated except when directed by supervisory or court order.

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- Users shall not leave CAD/RMS passwords under the keyboard, posted on the monitor, typed in unsecured documents, emailed, etc.
- Users shall log off of the software at the end of their shift or when someone else wants to use CAD/RMS.

Electronic Reporting

343.1 PURPOSE AND SCOPE

The accurate and timely reporting of police reports and information is a primary function and duty of law enforcement. The appropriate use of technology in accomplishing that function requires standard usage and policy. While this policy is specific to the Xpediter product, the principles and practices should be extended to any electronic method of report documentation.

343.2 DEFINITIONS

Xpediter C/S - A "Client/Server" relational database computer program. This program allows you to collect, store, sort, and retrieve data for cases and then print the case information onto forms or reports.

Xpediter Server - The central computer that is connected to the network. This is where the main Xpediter C/S database is stored.

Network Client - Any computer that is connected to the Xpediter Server computer. The desktop icon will be green, indication the computer is currently a network client.

Mobile Client - A computer that is not directly connected to the Xpediter server computer. The desktop icon will be red. Computers in a vehicle, such as laptops and MDDs are mobile clients. Mobile clients need to synchronize their data daily because they do not have a direct connection to the Xpediter server. All reports created from a mobile client must be transferred to the Xpediter server before they can be approved.

Control Center - The heart of the Xpediter C/S program is the control center. All modules and features of this program will be accessed from it. This is the first screen that a user will see after logging onto Xpediter C/S.

Approval Module - The approval module allows supervisors to review, approve, and/or return reports submitted by officers.

Messaging Module - The Messaging module allows users to send and receive messages from other users in the Xpediter C/S system.

343.3 ELECTRONIC REPORTING

All deputies serving in the Patrol Division are expected to be proficient in the use of the Xpediter C/S report-writing program, and will be required to attend Xpediter C/S certification training. Upon completion of Xpediter C/S certification training, deputies should use the Xpediter C/S report writing program to write reports.

Deputies should complete incident reports prior to returning to service. If a deputy is unable to complete a report immediately, they can save it on a portable memory device or transfer it to the Xpediter server and complete it later (see Policy Manual § 344.6, delayed reporting writing). All incomplete reports must be transferred to the Xpediter server by the end of the shift. Delayed reporting necessitates supervisory approval.

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343.4 DISTRIBUTING REPORTS

The SPD Records Division will continue to be the main source for the distribution of police reports. No copies or incomplete or pending reports will be used as a work product. If the SPD Records Division, Investigations or Administration needs a copy of one of these reports, a supervisor will be notified.

343.5 WRITING REPORTS

- (a) Supervisors and deputies will be responsible for synchronizing mobile client computers from the Xpediter server. Laptop computers will be synchronized at the beginning of the shift. A mobile client at a SCOPE station will be synchronized prior to writing reports. Deputies and supervisors will log in with their own personal user identification and password. Passwords must be changed quarterly. Utilizing another's password is prohibited. Deputies will not leave the Xpediter C/S program running when it is not in use. This will insure that a report is not written using another person's account.
- (b) When a deputy has completed a report from a mobile client, they will transfer that report to the Xpediter server for supervisor approval. Deputies will use the "Monitor Button" to confirm that transfers are successful. The transferred report is then stored on the Xpediter server and can only be viewed and altered from a network client. Only the submitting deputy can alter a report that has not been approved by a supervisor.
- (c) All reports written on mobile clients, whether finished or not, must be transferred to the Xpediter server by the end of the deputies shift.
- (d) Deputies who are assigned laptops will properly shut down all computer applications and turn off the laptop at the end of their shift. Computers will then be placed in the laptop cabinets for storage. Deputies will not take the laptops home without supervisory authorization nor will they leave the laptops in a patrol vehicle once they have secured.
- (e) Reports will be allowed to remain temporarily on a mobile client computer only when the report cannot be transferred to a portable memory device, or to the Xpediter server. In these situations the deputy will call the SPD help desk at 625-4099 giving their name, location of the mobile client, and the problem that was encountered. If the report was written at a SCOPE mobile client, the deputy will be responsible to return to that mobile client to delete his/her report. This will take place within one workweek of writing the report and when the Xpediter server connection has been restored.
- (f) When multiple deputies are writing reports for the same incident, only the primary officer will write the original face sheet. If an arrest was made, only the primary officer will list the charges in his report. All other officers will use the supplement form located in the report module.
- (g) During their shift, deputies will be responsible for checking the Control Center for returned and incomplete reports. This check must be completed from a network client computer.
- (h) At the start of every shift, supervisors will be responsible for checking the Control Center for returned and incomplete reports. This check must be completed from a network client computer.
- (i) At the end of every shift, deputies should check the Control Center to insure all completed reports are either in "pending" or "approved" status.

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343.6 APPROVAL PROCESS

- (a) Supervisors will review pending reports in the approval module from a network client computer. Supervisors should review reports periodically during their shift and approve or return all pending reports before the end of their shift.
- (b) If reports are correct and complete, the supervisors will approve the report.
- (c) Supervisors will electronically return insufficient reports to the officer using the approval module. The supervisor will use our e-mail system to inform the deputy of the additional information needed to complete the report. The approving supervisor will e-mail a copy of this message to the involved deputy's supervisor. If a report is returned and the deputy cannot be reached, supervisors reviewing the report will create a supplemental report in Xpediter C/S prior to approving the insufficient report.

343.7 CORRECTING APPROVED REPORTS

- (a) It is not the responsibility of the SPD Records Division to determine the correct report number needed for a case. If a Records Specialist cannot determine information needed for processing a report, a commissioned supervisor should be contacted to resolve the situation.
 - 1. Critical reports requiring immediate attention, include but are not limited to homicides, arrests, hate crimes, missing persons, etc., will be referred to any available on-duty supervisor (patrol, investigations, etc.) for immediate corrections so that the report can be processed.
 - 2. The SPD Records Specialist will then send a notification to the involved deputy's supervisor so that the report can be returned and corrected in Xpediter.
 - 3. Supervisors receiving a correction notice from the SPD Records Division will log on to a network client and return the report. Supervisors are responsible to ensure deputies make the necessary corrections the first day they are available. If the deputy will be unavailable for more than two weeks, supervisors will contact records for further instructions.
- (b) Non-critical reports will be returned to the involved deputy's supervisor per SPD Records Policy. Supervisors receiving a correction notice from the SPD Records Division will log on to a network client and return the report. Supervisors are responsible to ensure deputies make the necessary corrections the first day they are available. If the deputy will be unavailable for more than two weeks, supervisors will contact records for further instructions.

Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each deputy's job. The purpose of reports is to document sufficient information to refresh the deputy's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the electronic or paper report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved electronic or paper form unless otherwise approved by a supervisor.

Unless a police record is submitted on a Spokane Police Department/Spokane County Sheriff's Office/Spokane Valley Police Department approved form, pre-printed paper or digital/electronic, the record will be rejected by the Spokane Police Records Unit until such time as it is resubmitted on such a form.

344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

- (a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report.
- (b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be recorded as a CAD entry.

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- (c) In every case where any force is used against any person by sheriff's personnel.
- (d) All incidents involving domestic violence.
- (e) All arrests.

344.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

- (a) Any use of force against any person by a member of this department (see the Use of Force Policy).
- (b) Any firearm discharge (see the Shooting Policy).
- (c) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).
- (d) Any found property or found evidence.
- (e) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).
- (f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (g) All protective custody detentions.
- (h) Suspicious incidents that may place the public or others at risk.
- (i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations. A deputy handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician in attendance within 36 hours preceding death).
- (e) Found dead bodies or body parts.

344.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of an intentional or illicit drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas death could result.

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- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all deputies and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the employee for correction as soon as practical. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

344.6 ARREST REPORTS

All arrest reports will be completed prior to the end of shift. These reports include all custodial and non-custodial arrests and traffic infractions/criminal citations. With supervisor approval, arrest reports may be completed during the deputy's next duty shift.

344.7 REPORTS ADDRESSING PROPERTY

All reports addressing property will be completed prior to the end of shift. However, with prior approval from the Shift Supervisor certain reports addressing property may be held and accomplished on the deputy's next duty day.

344.8 STOLEN VEHICLE REPORTS AND RECOVERIES

When taking a stolen vehicle report, deputies will enter the victim's/responsible party's contact telephone numbers onto the report form. The victim will be informed if the vehicle is located and the owner/responsible party cannot be contacted or is unable to respond within thirty minutes the vehicle will be towed at the owner's expense. Prior to clearing the call the deputy will inform the communications center of the confirmed stolen vehicle. All stolen vehicle reports will be completed prior to the end of shift.

344.8.1 RECOVERED STOLEN VEHICLES

When a stolen motor vehicle is recovered, it is the primary duty of the deputy to secure the vehicle and any valuable items contained in it. The vehicle will be checked for evidence. If evidence is found it will be identified and taken to the property room. Unless needed for evidence, all motor vehicles will be released to the owner, or towed at the owner's expense as authorized by RCW 46.55.113. If the motor vehicle is to be held as evidence or for

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further processing, the deputy will advise his/her supervisor. The supervisor will approve or disapprove the impound. If approved, the Sheriff's Office contract tow will be used. A report will be written detailing the location where the motor vehicle was found, the condition of the vehicle, if evidence was found, and if the vehicle was impounded, or released to its owner. The report will also include a detailed list and description of all items removed from the vehicle.

If the report number on the original report is from the SPD/SCO Records Management System (RMS) a face sheet is not needed regardless of originating agency. Rather, the recovering officer will record the recovery and preliminary investigation using a Stolen Vehicle Recovery form or electronic form and any other additional suspect, witness, property or additional forms that are needed to completely document the incident.

If the report number on the original report is not from RMS, a face sheet will be needed and a new report number will be assigned. Other forms in addition to the face sheet will be used as needed to completely document the recovery and preliminary investigation. The report number that originated from an agency outside of RMS will be listed in the body of the recovery report. The originating agency will be listed along with that number.

344.9 GENERAL REPORTS

All general reports not addressing property should be completed prior to the end of shift. With supervisor approval, completion can be delayed past 24 hours.

344.9.1 HOLDING REPORTS

If it becomes evident it will be impossible to complete all work on time, the deputy will notify his/her supervisor immediately, and request approval to complete the report at a later time. With supervisor approval, completion can be delayed past 24 hours. Held reports will be entered into the "held report log" and the log will be monitored. Reports submitted late due to laziness, inattention to duty or not in compliance with the "held report log" policy will be grounds for disciplinary action.

344.9.2 SUBMISSION OF REPORTS

Upon the completion of reports and infractions/citations the deputy will submit them for supervisor review by placing them in the appropriate location or by submitting them electronically.

344.9.3 ROUTING OF REPORTS

All reports and infractions/citations reviewed by the supervisor will be submitted to the City/County Records Section and supervisors shall also route electronic reports to the appropriate Investigative Unit. Reports alleging criminal conduct by members of the Spokane County Sheriff's Office will be submitted to the City/County Records Section for appropriate distribution with copies forwarded to the Sheriff and the member's division commander.

344.9.4 ADDITIONAL REPORTS

Additional reports will be completed prior to the end of the shift, unless a supervisor approves holding the report. Additional reports will be written whenever:

- (a) The deputy is part of a crime scene investigation, to include search, protection or assisting in any way.

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- (b) The deputy uses force on a person, assists in a use of force incident, or is present at a use of force incident.
- (c) The deputy is involved in a vehicle pursuit whether directly or indirectly (such as paralleling or responding to the area or scene as a part of the apprehension team).
- (d) The deputy is conducting a follow-up investigation whether the investigations produces positive or negative results.
- (e) The deputy provides transport for an arrested person or a person detained for mental health reasons.
- (f) The deputy collects, seizes, transports or otherwise has control of property whether the property is placed in the evidence room or not.
- (g) The deputy conducts any investigation (including checking a location for a missing or runaway person) at the direction of dispatch.
- (h) The deputy is directed to do so by a supervisor.

News Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Division Commanders, Shift Commanders, Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Sheriff's Office media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of the Sheriff's Office make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by the Sheriff's Office.
- (c) Under no circumstance should any member of the Sheriff's Office make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Sheriff.
- (d) At no time shall an employee offer opinions about a defendant's or suspect's character, guilt or innocence.
- (e) Department representatives will not release admissions, confessions or contents of statement attributable to a defendant or suspect; or statements concerning the credibility or anticipated testimony of prospective witnesses; or any other information for the purpose of influencing the outcome of a criminal trial.

346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
 - (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should
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be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137).
- (c) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.
 - (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Sheriff and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily CAD log of significant law enforcement activities that shall be made available, upon request, to media representatives. When requested, additional information may be made available (RCW 42.56.070(1)). This log will generally contain the following information:

- (a) The date, time, location, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (b) The date, time, location, name, age and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

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At no time shall identifying information pertaining to a juvenile arrestee, victim, or witness be publicly released except as permitted under RCW 13.50.010 and .050, or with prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Shift Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56).

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to (RCW 42.56.240):

- (a) Specific intelligence information and specific investigative records compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
- (b) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.
- (c) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in RCW Chapter 9A.44 or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).
- (d) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies.
- (e) No audio recording in the possession of the Sheriff's Office shall be duplicated and released to the public unless;
 1. There has been a final disposition of any criminal or civil litigation arising from the event that was recorded; and
 2. All parties to the audio recording have consented to the release in writing.
- (f) No video recording in the possession of the Sheriff's Office shall be duplicated and released to the public unless;

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1. There has been a final disposition of any criminal or civil litigation arising from the event that was recorded; or
 2. There is nothing contained in the video that readily identifies the individual or individuals that are the subjects of the video and the video contains no information that would interfere with any court proceeding related to the event that is the subject of the video.
- (g) Information revealing the identity of child victims of sexual assault who are under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

346.4.2 RELEASE OF INFORMATION REGARDING INTERNAL AFFAIRS

Only the Sheriff or authorized representative may release information concerning Internal Affairs investigations or actions.

Court Appearance And Subpoenas

348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

348.1.1 DEFINITIONS

On-Call - When an employee has appeared in court, and is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court, unless otherwise directed by the prosecutor or court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

348.2.1 SERVICE OF SUBPOENA

A subpoena may be served by any suitable person over eighteen years of age, by reading it to the witness, or by delivering to him/her a copy at his/her residence. (RCW 12.16.020, WA CR 45) . Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

A subpoena may be served by any suitable person over eighteen years of age, by exhibiting and reading it to the witness, or by giving him/her a copy thereof, or by leaving such copy at the place of his/her abode. When service is made by any person other than an officer authorized to serve process, proof of service shall be made by affidavit or declaration under penalty of perjury. Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

348.2.3 ACCEPTANCE OF SUBPOENA

- (a) Only the employee named in a subpoena, his/her immediate supervisor, the front desk staff or the Civil Department shall be authorized to accept service of a subpoena. Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department subpoena recorder, Civil Unit. The subpoena recorder shall provide a copy of the subpoena to each involved employee. If a subpoena is received with a short amount of time before the court appearance, the subpoena

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recorder will attempt phone contact with the employee and if no contact is made shall notify the prosecutor of the circumstances.

- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.
- (c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the subpoena recorder as well as a copy to the individually named employee.

348.2.4 COORDINATION OF SUBPOENA

- (a) Upon receiving a subpoena, it will be the deputy's responsibility to contact the prosecutor's office to inform them of the deputy's availability. The courts have established a 24/7 phone number to advise deputies if the case they were subpoenaed for will be going to court that day. This phone service shall be utilized.
- (b) Valid reasons for an individually named employee not accepting subpoenas include illness, previously approved training, and vacations, which are scheduled and approved, before receipt of the subpoena. Regular scheduled days off are not valid reasons for refusing the subpoena or missing court. If the subpoena has been received by the individually named employee and a valid reason exists for refusing the subpoena, the subpoena shall be promptly returned to the prosecutor's office with a specified reason for refusal as well as the dates when the employee will become available. It shall be the responsibility of the employee who is subpoenaed to notify the assigned County Prosecutor or other attorney of record of their bona fide unavailability.
- (c) If the employee is unavailable due to vacation, illness, etc., the person accepting the subpoena shall note on the document the circumstances for non-delivery and return the document to the front desk staff. The front desk staff shall notify the prosecutor or the attorney named on the subpoena of the circumstances not less than 48 hours prior to the date listed for the appearance.

348.2.5 CONTACT INFORMATION

To facilitate court contact, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

348.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Spokane County Sheriff's Office shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

348.2.7 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

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348.3 CIVIL SUBPOENAS

The Sheriff's Office will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current collective bargaining agreements. In such situations, the Sheriff's Office will also reimburse any employee for reasonable and necessary travel expenses.

The Sheriff's Office will receive reimbursement for the employee's compensation through the civil attorney of record who subpoenaed the employee.

348.4 OVERTIME APPEARANCES

A deputy who is required to appear and/or testify in court on his/her off-duty time will be compensated in accordance with the current employee Collective Bargaining Agreement.

348.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

348.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed deputy shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

348.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

348.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of Washington, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Sheriff, County Prosecutor's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding.
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees.
- (c) Providing testimony or information on behalf of or at the request of any party other than any county, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

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348.7.1 EXPERT WITNESS

Employees are not to testify as an expert witness or request or accept any fees for appearing in court without authorization from the Sheriff or designee.

Reserve Deputies

350.1 PURPOSE AND SCOPE

The Spokane County Sheriff's Office Reserve Unit was established to supplement and assist regular sworn sheriff's deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels.

350.2 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The Spokane County Sheriff's Office shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

350.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular sheriff's deputies before appointment (RCW 43.101.095).

Before appointment to the Sheriff's Reserve Unit, an applicant must have completed, or be in the process of completing, a CJTC approved basic academy or reserve academy (WAC 139-05-810).

350.2.2 APPOINTMENT

Applicants who are selected for appointment to the Sheriff's Reserve Unit shall, on the recommendation of the Sheriff, be sworn in by the Sheriff and take a oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

350.2.3 COMPENSATION FOR SHERIFF'S RESERVE DEPUTIES

Compensation for reserve deputies is provided as follows:

Reserve deputies will wear the same uniform or type of clothing as regular deputies assigned to the same unit. Reserve deputies provide/purchase their own uniform and provide for regular upkeep and cleaning. Reserve deputies will not wear their uniforms, or any part thereof, except when participating in Sheriff's Office authorized activities.

Reserve deputies will be equipped by the Sheriff's Office the same as regular deputies performing like functions or activities. Reserve deputies will not use Sheriff's Office issued equipment except when participating in events approved by the Sheriff's Office. The following equipment and documents will be provided by the Sheriff's Office.

- (a) Approved firearm
- (b) Approved ammunition. This ammunition will not be used for target practice. Only ammunition issued by the Sheriff's Office is to be used on duty.
- (c) Badges, include cloth badges
- (d) Department rules/regulations and policy/procedure manuals
- (e) Personal protective equipment

Reserve deputies are responsible for the proper maintenance and care of equipment issued to them. No modifications of issued firearms or other equipment is permitted. All repairs

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or modifications to firearms will only be done by an authorized Sheriff's Office armorer. Reserve deputies will turn in their equipment when it is unserviceable or upon termination or resignation from the reserve program. Reserve deputies shall receive a yearly uniform allowance as the reserve budget allows and monetary compensation may be authorized for some events by the Sheriff or designee.

350.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES

Qualified employees of this department, when authorized, may also serve as reserve deputies. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention deputy working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult the Spokane Sheriff's legal council prior to an employee serving in a reserve or volunteer capacity (29 C.F.R.553.30).

350.3 DUTIES OF RESERVE DEPUTIES

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Patrol Division. Reserve Deputies will not be used to meet minimum staffing requirements for shift assignments. Reserve deputies may be assigned to other areas within the Department as needed. Reserve deputies are required to work a minimum of 16 hours per month or 32 hours in a two month period. In addition to the minimum hours required, Reserve Deputies shall be required to participate in "Call Outs" and "Special Event Call Outs". "Call Outs" are when a Reserve Deputy is called for unscheduled duty due to an emergent need of the Sheriff's Office. Special Event call outs are typically, but not limited to, community events where additional Sheriff's Office resources are needed or required. Paid employment will not satisfy this requirement. Reserve Deputies shall perform a minimum of three Special Event call outs per year.

350.3.1 POLICY COMPLIANCE

Sheriff's reserve deputies shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time deputy, it shall also apply to a sworn reserve deputy unless by its nature it is inapplicable.

350.3.2 RESERVE DEPUTY ASSIGNMENTS

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee. Reserve deputies are fully commissioned general authority peace officers while on-duty and performing services for the Sheriff's Office. The term "on-duty" includes travel to and from a reserve work or training assignment.

350.3.3 RESERVE COORDINATOR

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel.
- (b) Conducting reserve meetings.
- (c) Establishing and maintaining a reserve call-out roster.

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- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring individual reserve deputy performance.
- (f) Monitoring the overall Reserve Program.
- (g) Maintaining liaison with other agency Reserve Coordinators.
- (h) Evaluate and schedule requests from outside the agency for use of Reserve Deputies.

350.3.4 RESERVE UNIT STAFFING

The reserve unit will be staffed with administrative positions of Reserve Coordinator and Assistant Reserve Coordinator. These positions shall be full time sworn members of the agency, designated by the Sheriff or designee. All other members of the Reserve Unit will be Reserve Deputies, and shall not have general supervisory authority over other members. Reserve Deputies may be assigned additional duties at the discretion of the Reserve Coordinator for efficiency of operations.

350.4 FIELD TRAINING

350.4.1 TRAINING OFFICERS

Deputies of this department, who demonstrate a desire and ability to train reserve deputies, may train the reserves during all phases of a reserve term with this agency, subject to Shift Commander approval.

350.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve deputies will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve deputy will be assigned to work with his/her primary training officer or designee during the first 200 hours of training. This time shall be known as the Primary or level 1 Training Phase.

350.4.3 FIELD TRAINING MANUAL

Each new reserve deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Spokane County Sheriff's Office. The reserve deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

350.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Level I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve deputy in training.

If the reserve deputy has progressed satisfactorily, he/she will then proceed to Level II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

350.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Level II) shall consist of 100 hours of additional on-duty training. The reserve deputy will no longer be required to ride with his/her primary training officer. The reserve deputy may now ride with any deputy or level IV reserve designated by the Shift Commander.

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During Level II of training, as with Level I, the reserve deputy's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Deputy's Field Training Manual. At the completion of Level II of training, the reserve deputy will return to his/her primary training officer for Level III of the training.

350.4.6 THIRD TRAINING PHASE

Level III of training shall consist of 190 hours of additional on-duty training. His/her last 24 hours of this level will be with his/her original FTO or designee. During this phase, the training officer will evaluate the reserve deputy for suitability to graduate from the formal training program.

At the completion of Level III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve deputy's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve deputy has satisfactorily completed his/her formal training. If the reserve deputy has progressed satisfactorily, he/she will then graduate from the formal training process and be considered a Level IV Reserve. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

350.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve deputy has satisfactorily completed the first three levels of formal training, he/she will have had a minimum of 490 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve deputy may now be assigned to ride with any deputy, another reserve or by him/her self. Each reserve deputy at this level will be evaluated by a regular deputy/FTO every six months.

350.5 SUPERVISION OF RESERVE DEPUTIES

Reserve deputies shall be under the immediate supervision of a regular sworn deputy. The immediate supervision requirement shall continue for reserve deputies unless special authorization is received from the Reserve Coordinator with the approval of the Division Commander.

350.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve deputies may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the immediate supervision requirement. In the absence of the Reserve Coordinator and the Division Commander, the Shift Commander may assign a certified reserve deputy to function without immediate supervision for specific purposes and duration.

350.5.2 RESERVE DEPUTY MEETINGS

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator. The Reserve Coordinator or Assistant Reserve Coordinator may excuse a reserve deputy from a meeting at their discretion.

350.5.3 IDENTIFICATION OF RESERVE DEPUTIES

All reserve deputies will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time deputy. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

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350.5.4 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of this department.

350.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Division Commander.

Reserve deputies are considered at-will employees with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual.

350.5.6 RESERVE DEPUTY EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

350.6 FIREARMS REQUIREMENTS

350.6.1 CARRYING WEAPON ON DUTY

It is the policy of this department to allow reserves to carry firearms only while on duty or to and from duty. All firearms must conform to Policy Manual § 312 requirements.

350.6.2 CONCEALED PISTOL PROHIBITED

No reserve deputy will be permitted to carry a department issued firearm while in an off-duty capacity, other than to and from work.

350.6.3 RESERVE DEPUTY FIREARM TRAINING

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies shall comply with all areas of the firearms training section of the Policy Manual § 312.4 and 312.4.1.

350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Explorers

351.1 PURPOSE AND SCOPE

The Sheriff's Explorer program is an official program sponsored by the Spokane County Sheriff's Office, under the direction of the Boy Scouts of America. Complete information concerning the Explorer program is contained in the Explorer manual.

The Sheriff's Explorer program is to familiarize young adults between the ages 16 to 21 years of age with the procedures and qualifications of the Sheriff's Office. It is also designed to interest these individuals in a law enforcement career, while promoting communication and understanding between law enforcement and the community.

351.2 SUPERVISION

The Sheriff's Explorers will function under the supervision of the advisor(s) of the program. This advisor will be a full time deputy of the department. From time to time explorers will be assigned to work under the direct supervision of other deputies, reservists, or advisor(s).

351.2.1 EXPLORERS HAVE NO POLICE POWER

Sheriff's Explorers have no police power whatsoever. Explorers will refrain from any proactive police work, unless directed by a commissioned deputy in an emergency situation.

351.3 MEMBERSHIP AND TRAINING

Membership is open to all young adults of high school and college age living in the area, who are at least 16 years old and may continue until the end of the calendar year that they turn 21 years old. No prospective members will be disqualified because of race, color, creed, sex, national origin, or handicap. All new members must be registered members of the Boy Scouts of America as explorers and agree to obey the law and sign the post codes.

Explorers must attend the Explorer Academy. Explorers meet every other week and train at each meeting. An Explorer Adviser is assigned to coordinate training, and ensures training covers all aspects of police work. To demonstrate proficiency in police duties, Explorers participate in competitions with other Explorer posts.

351.3.1 CONDUCT

Sheriff's Explorers will remember they are representing themselves, the Sheriff's Office, and the Explorer program. Explorers will act in a manner portraying a positive image to the general public.

Explorers can be terminated from the program for misconduct or inappropriate behavior.

351.3.2 FRATERNIZATION

The Washington State Law Enforcement Explorer Association and the Boy Scouts of America strictly forbid fraternization between explorers and officers, regardless of the age of the explorer. The policy defines this as "any kind of inappropriate interpersonal relationship, the nature of which, could give cause for concern or be the occasion of scandal or other results which could negatively affect the reputation of the parties, their agencies, and/or the exploring program."

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Explorers

351.4 UNIFORM

Explorers, when on duty, will be dressed in a full uniform. The uniform will not be worn outside of Explorer functions, except when traveling to and from such functions. No part of the uniform will be displayed, worn, presented, or used in any capacity in public except in the capacity of a Sheriff's Explorer. The uniform includes:

- (a) Green polo shirt with explorer and post emblem stenciled or embroidered on it.
- (b) Approved green baseball cap with "EXPLORER" printed on the front.
- (c) White explorer shirt (seasonal long or short sleeve) with appropriate insignia on the collar, a white or green frame-less nameplate, a "Sheriff" patch on the left shoulder, an American flag (or Sheriff patch) on the right shoulder, and an "Explorer" patch above the right front pocket.
- (d) Plain white crew neck undershirt.
- (e) Standard Sheriff's Office pants.
- (f) Black belt.
- (g) Black plain toed footwear.
- (h) Accurate timepiece.
- (i) Notebook and black ink pen.

351.5 RIDE-ALONGS

Explorers meeting certain criteria in the post are allowed to ride with deputies, see Policy 410.2.4.

Mutual Aid and Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to deputies in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of the Sheriff's Office to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. The Sheriff's Office may also request an outside agency to provide assistance.

352.1.1 ASSISTING OUT OF COUNTY AGENCIES

Generally, calls for assistance from other agencies outside of Spokane County are routed to the Shift Supervisor for approval. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available deputies shall respond and assist in making a lawful arrest. If a deputy receives a request in the field for assistance, that deputy shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued to report action taken by Spokane County Sheriff's Office employee.

352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling deputy or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting deputy should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

Community Protection Act

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Spokane County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

356.2 POLICY

It is the policy of the Spokane County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 REGISTRATION

The Investigation Unit Supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the Forensic Supervisor shall ensure that the registration information is provided to the Washington State Patrol (WSP) within five working days in accordance with RCW 43.43.540.

A criminal investigation for failure to register will be initiated if a registrant refuses to provide any of the required information or complete the process.

356.3.1 CONTENTS OF REGISTRATION FOR SEX OR KIDNAPPING OFFENDERS

Sex or kidnapping offenders who are required to register must appear in person and provide the following (RCW 9A.44.130):

- Name
- Complete residential address or where he/she plans to stay
- Date and place of birth
- Place of employment
- Crime for which the person has been convicted
- Date and place of conviction
- Aliases
- Social Security number

Offenders lacking a fixed residence must keep an accurate accounting of where he/she stays during the week and provide it to the county sheriff upon request.

The registering employee shall ensure photographs and fingerprints are taken of all sex/kidnapping offenders.

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356.3.2 CONTENTS OF REGISTRATION FOR FELONY FIREARM OFFENDERS

Felony firearm offenders who are required to register must appear in person and provide the following:

- Name and any aliases
- Complete residential address or where he/she plans to stay
- Identifying information, including a physical description
- Crime for which the person has been convicted
- Date and place of conviction
- Names of any other county where the firearm offender may have registered

The registering employee may take photographs and fingerprints of the felony firearm offender.

356.4 MONITORING OF REGISTERED OFFENDERS

The Investigation Unit Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include, as applicable:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on the WASPC Sex Offender Information Center website.
- (c) Contact with a registrant's community correction officer.
- (d) Review any available Washington State database of felony firearm offenders.
- (e) Certified letters once per year if personal contact is not an option.

Any discrepancies with sex/kidnapping offenders should be reported to ACCESS (A Central Computerized Enforcement Service System), which is administered by WSP, and, in the case of sex offenders only, to the Washington Association of Sheriffs and Police Chiefs (WASPC), which administers the Sex Offender Information Center website.

The Investigation Unit Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Spokane County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular sex/kidnapping registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a sex/kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff or designee if warranted. A determination will be made by the Sheriff or designee, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex/kidnapping registrants should be provided the WASPC Sex Offender Information Center website or the Spokane County Sheriff's Office's website.

The Records Manager shall release local sex/kidnapping registered offender information to residents in accordance with RCW 4.24.550 and in compliance with a request under the Public Records Act (RCW 42.56).

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Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

356.5.1 RELEASE NOTIFICATIONS FOR SEX OR KIDNAPPING OFFENDERS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The Spokane County Sheriff's Office has no authority to direct where an offender may live.

356.5.2 MANDATORY NOTIFICATION

The Investigation Division Commander shall ensure that:

- (a) A public notification is made for sex offenders who are classified as Risk Level III and who register in the County. The notice must be published in at least one newspaper that has a general circulation in the geographic area of each sex offender's registered address or location. The notice must be in the form of a legal notice, advertisement or news release (RCW 4.24.550(4)). The notice shall conform to the guidelines established in RCW 4.24.5501.
- (b) All information on sex/kidnapping offenders registered in the County is regularly updated and posted on the WASPC Sex Offender Information Center website (RCW 4.24.550(5)).

356.5.3 DISCRETIONARY DISSEMINATION FOR SEX OFFENDERS

Dissemination should be predicated upon the levels detailed below (RCW 4.24.550(3)):

- (a) Offenders classified as Risk Level I: The Department may disclose, upon request, relevant, necessary and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the sex offender resides, expects to reside or is regularly found.
- (b) Offenders classified as Risk Level II: In addition to the dissemination for Level I, the Department may also disclose relevant, necessary and accurate information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the sex offender resides, expects to reside or is regularly found.
- (c) Offenders classified as Risk Level III: In addition to the dissemination of Level I and Level II, the Department may also disclose relevant, necessary and accurate information to the public at large.
- (d) Homeless and transient sex offenders may present unique risks to the community due to the impracticality of localized notification. The Department may also disclose relevant, necessary and accurate information to the public at large for sex offenders registered as homeless or transient.

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356.5.4 SCHOOL NOTIFICATIONS

The Sheriff has the responsibility of notifying the applicable school's principal or public safety department of any sex/kidnapping offender who attends or is employed at the school and for providing the following information about the offender (RCW 9A.44.138):

- Name
- Complete residential address
- Date and place of birth
- Place of employment
- Crime for which the person have been convicted
- Date and place of conviction
- Aliases
- Social Security number
- Photograph
- Risk level classification

356.6 SEX OFFENDER RISK ASSESSMENT

The Investigation Division Commander shall establish a procedure to review and assign an initial risk level classification of sex offenders who have moved or are released into this jurisdiction and the risk assessment level has not already been assigned by the Washington Department of Corrections. That procedure shall address (RCW 4.24.550(6)):

- The circumstances under which the Spokane County Sheriff's Office is authorized to assign its own risk level.
- What risk assessment tools may be used and how such tools are scored.
- Notification process following a change in the risk level classification.

Major Incident Notification

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

358.2 POLICY

The Spokane County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- All Major Crimes call-outs.
- Traffic accidents with fatalities.
- Officer-involved shooting on- or off-duty (See the Officer-Involved Shooting Policy for special notifications).
- Significant injury or death to employee on- or off-duty.
- Death of a prominent Spokane official.
- Arrest or investigation of Sheriff Office employee or prominent Spokane official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.
- Barricade situations, whether hostages are involved or not.
- Call-outs of the SWAT Team or Bomb Squad.
- Mutual Aid requests from another jurisdiction outside of Spokane County.
- Creditable threats or actual attempts to cause significant damage to a public facility or utility.
- Kidnapping, other than custodial interference.
- Illegal demonstrations, riots or other public mlée.
- Missing children and vulnerable adults.
- Direct and indirect creditable threats by students or individuals against schools, government facilities and businesses.
- Unusual occurrences that should be brought to the attention of a higher authority in a timely manner.
- Activation of Department of Emergency Management (DEM) resources.

358.4 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor is responsible for making the appropriate notifications. The Shift Supervisor shall make reasonable attempts to obtain as much information on the incident

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as possible before notification. The Shift Supervisor shall attempt to make the notifications as soon as practical. Notification should be made by command staff page or if additional command staff advisement is needed call the home phone number.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.3, the Sheriff shall be notified along with the affected Division Commander and the Detective Lieutenant if that division is affected.

358.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

358.4.3 TRAFFIC UNIT NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

358.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be included in the command staff page and should be notified if it appears the media may have a significant interest in the incident.

Death Investigation

360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Deputies are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

360.2.1 MEDICAL EXAMINER JURISDICTION OVER REMAINS

The Medical Examiner has jurisdiction of bodies of all deceased persons who come to their death suddenly in any of the following cases (RCW 68.50.010):

- (a) When in apparent good health without medical attendance within the thirty-six hours preceding death.
- (b) Where the circumstances of death indicate death was caused by unnatural or unlawful means.
- (c) Where death occurs under suspicious circumstances.
- (d) Where a medical examiner's autopsy or post mortem or medical examiner's inquest is to be held.
- (e) Where death results from unknown or obscure causes.
- (f) Where death occurs within one year following an accident.
- (g) Where the death is caused by any violence whatsoever.
- (h) Where death results from a known or suspected abortion; whether self-induced or otherwise.
- (i) Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering.
- (j) Where death is due to premature birth or still birth.
- (k) Where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard.
- (l) Where death results from alleged rape, carnal knowledge or sodomy.
- (m) Where death occurs in Detention Services, a jail or prison.
- (n) Where a body is found dead or is not claimed by relatives or friends.

The body shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner (RCW 68.50.050).

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360.2.2 DEATH NOTIFICATION

When practical, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy or Chaplin assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

360.2.3 DEATH INVESTIGATION REPORTING

All reportable incidents involving a death shall be documented using the appropriate electronic format or paper form.

360.2.4 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

360.2.5 JUVENILE DEATHS

If the death involves a juvenile the Investigations Division shall be notified to determine the need for a detective to respond to the scene for further immediate investigation.

Identity Theft

362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.2 REPORTING

The Sheriff's Office will initiate an incident report whenever a person reasonably suspects that his/her financial information or means of identification has been unlawfully obtained, used, or transferred to another person or entity in all cases where the victim resides or works within this jurisdiction, or where any part of the crime occurred within this jurisdiction. The employee receiving the report will inform the complainant how to obtain a copy of the incident report (RCW 9.35.020).

In cases where the reporting party does not reside or work within this jurisdiction and there is no known or suspected criminal activity occurring within this jurisdiction the reporting party may be referred to the appropriate law enforcement agency having jurisdiction. If it is not reasonably practical for the reporting party to file a timely report with his/her home jurisdiction the receiving employee should take a courtesy incident report to be forwarded to the agency having jurisdiction.

Reports should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

The employee preparing the report should also cross-reference all other known reports made by the victim (e.g., US Secret Service, credit reporting bureaus, US Postal Service and DOL) with all known report numbers.

Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate investigative unit for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Spokane County Sheriff's Office, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 POLICY

It is the policy of the Spokane County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

368.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

- (a) Coordinating and implementing all aspects of the Spokane County Sheriff's Office's LEP services to LEP individuals.

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- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Commander and Communications Supervisor. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

368.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

368.5 TYPES OF LEP ASSISTANCE AVAILABLE

Spokane County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every

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reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

368.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

368.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

368.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other County departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

368.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.

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- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

368.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

368.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

368.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of

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interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Spokane County Sheriff's Office will take reasonable steps and will work with the Spokane Sheriff Civil Service to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

368.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Combined Communication Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

368.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

368.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be

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made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

368.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

368.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

368.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

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368.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

368.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

368.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Hearing Impaired/Disabled Communications

370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

370.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

Deaf or hard of hearing - An individual who has or is regarded as having substantially limited hearing with or without assistance.

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should be certified pursuant to RCW 2.42.110.

370.2 POLICY

It is the policy of the Spokane County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the County ADA coordinator regarding the Spokane County Sheriff's Office's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

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- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Commander and Communications Supervisor. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

370.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

370.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

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Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Spokane County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

370.6 TYPES OF ASSISTANCE AVAILABLE

Spokane County Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

370.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

370.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.

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- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

370.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

370.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

370.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

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- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

370.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

370.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

370.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

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- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

370.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

370.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

370.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

370.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties.

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This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

370.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

370.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Combined Communication Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

Child and Dependent Adult Safety

380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Abuse of Vulnerable Adults Policy.

380.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Spokane County Sheriff's Office will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

380.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, children or dependent adults.

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Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 2. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (c) Notify the Department of Social and Health Services, if appropriate.
- (d) Notify the field supervisor or Shift Commander of the disposition of children and dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

Deputies shall promptly notify Child Protective Services (CPS) whenever a child under 13 years of age is present in a vehicle and his/her parent, guardian or legal custodian is arrested for a drug or alcohol driving offense in accordance with the department Child Abuse Policy (RCW 26.44.250).

380.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

380.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 1. Name
 2. Sex
 3. Age

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Child and Dependent Adult Safety

4. How, where and with whom or which agency the child was placed
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
1. Name
 2. Sex
 3. Age
 4. Whether he/she reasonably appears able to care for him/herself
 5. Disposition or placement information if he/she is unable to care for him/herself

380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should consider contacting the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

380.5 TRAINING

The Training Sergeant is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

Service Animals

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Spokane County Sheriff's Office recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

382.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Examples of how service animals may be used to provide assistance include:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

382.3 EMPLOYEE RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Spokane County Sheriff's Office affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, a deputy may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for

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excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if the deputy is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the deputy should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

Volunteer Program

384.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

384.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include S.C.O.P.E. members, unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

384.2 VOLUNTEER MANAGEMENT

384.2.1 VOLUNTEER COORDINATORS

The Volunteer Coordinators shall be selected by the Sheriff. The function of the Volunteer Coordinators is to provide a central coordinating points for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinators should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinators, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.
- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

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384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and applicants shall be processed for criminal history.

Prospective volunteers may also be subject to:

- Reference checks
- Employment checks
- Neighborhood checks
- Polygraph examination (if required by position)
- Psychological examination (if required by position)
- Medical examination (if required by position)

384.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

384.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

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Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

384.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

384.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

384.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

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- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

384.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

384.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty.

Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

384.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and department approved driver safety course.
- (b) Verification that the volunteer possesses a valid Washington Driver's License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and volunteers are not authorized to operate a Department vehicle Code-3.

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384.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete Central Computerized Enforcement Service System (ACCESS) and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and ACCESS training is provided for volunteers whenever necessary.

384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

384.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

384.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

Off-Duty Law Enforcement Actions

386.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Spokane County Sheriff's Office with respect to taking law enforcement action while off-duty.

386.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

386.3 FIREARMS

Deputies of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms and Qualification Policy. When carrying firearms while off-duty deputies shall also carry their department-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment.

386.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

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Off-Duty Law Enforcement Actions

Deputies should consider waiting for on-duty uniformed deputies to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

386.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty deputy is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an Spokane County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

386.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

386.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

386.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

386.5 REPORTING

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Commander as soon as practicable. The Shift Commander shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Sheriff's Office to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Spokane County, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol and other division within the Sheriff's Office, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.
- (i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Spokane County Sheriff's Office to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Deputies should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Spokane County Analyst Team (SPOCAT) in a timely fashion.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Spokane County Sheriff's Office.

400.2.1 SPOKANE COUNTY ANALYSIS TEAM

The Spokane County Analysis Team (SPOCAT) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to SPOCAT for

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Patrol Function

distribution to all divisions within the Sheriff's Office through the forum, daily bulletins and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol deputy who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL ROLL CALL

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or deputies will be provided an opportunity to share information at the daily patrol Roll Calls as time permits.

400.2.4 INFORMATION SHARING

Several information clipboards will be maintained in the Roll Call room and will be available for review by deputies from all divisions within the Department. These will include, but not be limited to, the the Daily Bulletin clipboard and the special reports clipboard.

All commissioned deputies are encouraged to share information using the Sheriff's Office forum located on LE WEB. General and Special Orders will be sent to all employees by email and kept on file in Administration.

400.3 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Racial- or Bias-Based Profiling

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Spokane County Sheriff's Office do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

402.1.1 DEFINITION

Definitions related to this policy include:

Racial- or bias-based profiling - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

402.2 POLICY

The Spokane County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit a deputy from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

402.3.1 OTHER PROFILING PROHIBITED

The Spokane County Sheriff's Office also condemns the illegal use of an individual or group's attire, appearance or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.410).

402.4 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

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Racial- or Bias-Based Profiling

402.4.1 REASON FOR DETENTION

Deputies detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify the detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview card), the involved deputy should include those facts giving rise to the deputy's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

402.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
- (b) Supervisors should periodically review MAV recordings, MDC data and any other available resource used to document contact between deputies and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

402.6 STATE REPORTING

Subject to any fiscal constraints, the Patrol Division Commander should review available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints. The data should be analyzed for any patterns or other possible indicators of racial- or bias-based profiling and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (RCW 43.101.410(3)).

402.7 ADMINISTRATION

Each year, the Undersheriff shall review the efforts of the Department to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Sheriff. This report should not contain any identifying information regarding any specific complaint, citizen or deputies. It should be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service.

402.8 TRAINING

Each member of this department will be required to complete an approved refresher training course every five years, or sooner if deemed necessary, in order to keep current with changing community trends (RCW 43.101.410(c)).

Roll Call Training

404.1 PURPOSE AND SCOPE

Roll Call training is generally conducted at the beginning of the deputy's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call; however deputies may conduct Roll Call for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, the following basic tasks:

- (a) Briefing deputies with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.
- (b) Notifying deputies of changes in schedules and assignments.
- (c) Notifying deputies of new General Orders or changes in General Orders.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

404.2 PREPARATION OF MATERIALS

The supervisor conducting Roll Call is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate deputy in his/her absence or for training purposes.

Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 CRIME SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the preservation of the scene. Deputies shall also consider officer safety and public safety issues, including rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity of the crime/disaster scene, it shall be maintained until the deputy is relieved by a supervisor. A crime scene log will be established as soon as practical.

406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Ensure no suspects are still in the area.
- (b) Broadcast emergency information including all requests for additional assistance.
- (c) Provide first aid to injured parties if it can be done safely.
- (d) Secure the inner perimeter and outer perimeter with crime scene tape.
- (e) Protect items of apparent evidentiary value.
- (f) Start a chronological log noting critical times and personnel allowed access.

406.2.2 EXECUTION OF HEALTH ORDERS

Sworn members of this department shall enforce all lawful orders of the local health officer, issued for the purpose of preventing the spread of any contagious, infectious or communicable disease, per RCW § 70.05.120 and WAC 246-100-040(2).

406.3 SEARCHES AT CRIME OR DISASTER SCENES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

406.3.1 CONSENT

Deputies should obtain valid consent to search from authorized individuals where possible, but should also consider obtaining consent and a search warrant in the case of serious crimes or major investigations.

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Crime and Disaster Scene Integrity

406.4 REPORT OF ACTIVITY REQUIRED

- (a) Each member will report to the crime scene log deputy the time they entered and/or exited the crime scene.
- (b) Each member shall make a report regarding his/her activities in the crime scene or his/her participation in the investigation.
- (c) Each member responding to a major event controlled by a command post will make a report detailing his/her activities.

Special Weapons and Tactics

408.1 PURPOSE AND SCOPE

The purpose of the tactical response teams is to provide a group of deputies who are trained and skilled in the use of specialized equipment and tactics for the resolution of critical incidents and tactical missions. Each team maintains standard operating procedures (SOPs) regarding membership, selection criteria, training, equipment, and command and control. The tactical response teams consist of the Special Weapons and Tactics Team (S.W.A.T.), Hostage Negotiation Team (HNT) and Explosive Disposal Unit (EDU).

408.2 SPECIAL WEAPONS AND TACTICS TEAM (S.W.A.T.)

The mission of the Special Weapons and Tactics Team (S.W.A.T.) is to provide the Spokane Sheriff's Office, or any other law enforcement agency whose request is approved by the Sheriff or designee, with a tactical response.

408.2.1 POLICY

It shall be the policy of the Spokane Sheriff's Office to maintain a S.W.A.T. Team and to provide the equipment, manpower, and training necessary to maintain an effective team. The S.W.A.T. Team should be supplied with sufficient resources to perform three basic functions:

- (a) Command and control
- (b) Containment
- (c) Entry/apprehension/rescue

408.2.2 APPROPRIATE SITUATIONS FOR USE OF THE S.W.A.T. TEAM

The following are examples of incidents which may result in the activation of the S.W.A.T. Team:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Arrests of dangerous persons.
- (d) Sniper situations where a suspect is firing upon citizens and/or police, whether stationary or mobile.
- (e) High-risk warrant service.
- (f) Personal protection to include the security of persons, such as VIP's, witnesses or suspects based on threat or the potential threat to their safety.
- (g) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

408.2.3 ACTIVATION PROCESS

Activation of the S.W.A.T. Team requires an order from a deputy with the rank of sergeant or higher. A S.W.A.T. Risk Analysis form has been developed to assist supervisory or command level deputies with the decision making process regarding the management of critical incidents. This form should be used by supervisors to evaluate the risk factors associated with the incident in order to determine whether or not the activation of the

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S.W.A.T. Team would be merely prudent or required. The S.W.A.T. Risk Analysis form is available to all officers on LEWEB.

408.2.4 AUTHORITY TO ENGAGE THE S.W.A.T. TEAM

The authority for the S.W.A.T. Team to engage in a tactical situation will be given only by the on-duty unit commander of the rank of lieutenant, or by a deputy of higher authority. The deputy authorizing the deployment of the S.W.A.T. Team will notify the appropriate division commander and the Sheriff or designee. Once authorization to engage has been granted, the S.W.A.T. Team commander will assume control of the tactical response under the direction of the incident commander.

408.2.5 REQUESTS FROM OUTSIDE AGENCIES

The Spokane Sheriff S.W.A.T. Team is available, with the approval of the Sheriff or his/her designee, to any requesting law enforcement agency. The S.W.A.T. Team will function only as a team during these activations and will operate solely under Spokane Sheriff's Office command and policies.

408.2.6 REQUESTS WITHIN THE SHERIFF'S OFFICE

Any division or unit within the Spokane Sheriff's Office may request the assistance of the S.W.A.T. Team in planning or conducting tactical missions. The unit commander, with notification to his/her division commander, will contact the S.W.A.T. Team commander with the request.

408.2.7 SPECIALIZED EQUIPMENT

Spokane Sheriff's Office S.W.A.T. Team members are trained in the use of specialized equipment, which includes firearms other than the standard issue handgun weapon system.

408.2.8 TACTICAL MISSIONS

The S.W.A.T. Team adheres to the Incident Command System regarding the management and mitigation of critical incidents or other tactical missions.

408.2.9 SWAT ONGOING TRAINING

Training shall be coordinated by the SWAT Commander. The SWAT Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.

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- (d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the SWAT Commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
- (e) Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Armorer who has been approved by the SWAT Commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.
 - 1. Primary Conducted Electrical Weapon (CEW) SWAT members will qualify quarterly.
 - 2. Secondary Conducted Electrical Weapon (CEW) SWAT members will qualify annually.

408.3 HOSTAGE NEGOTIATION TEAM

The mission of the Hostage Negotiation Team (HNT) is to provide trained communicators who may be utilized to attempt de-escalation and surrender during critical incidents where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

408.3.1 APPROPRIATE SITUATIONS FOR USE OF THE HOSTAGE NEGOTIATION TEAM (HNT)

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages have been taken.
- (c) Cases involving threats of suicide.
- (d) Or other situations as determined by an incident commander.

408.3.2 ACTIVATION PROCESS

Activation of the HNT requires an order from a deputy with the rank of sergeant or higher. Generally, the Special Weapons and the Hostage Negotiation Team shall be activated together.

408.4 TAC TEAM

If there is a need for crowd control above the capabilities of normal patrol operations Command Staff should be advised and Spokane Police Department (SPD) TAC Team should be requested.

408.5 EXPLOSIVES DISPOSAL UNIT (EDU)

The mission of the Explosives Disposal Unit (EDU) is to provide a group of deputies/officers who are trained and skilled in the identification and disposal of suspected or actual improvised explosive devices, improvised or commercial explosives, improvised or commercial fireworks, large caliber ammunition, and military ordnance. The EDU is also

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used as a resource for the resolution of critical incidents and other tactical missions with capability to operate tactical robot equipment or provide explosive breaching for S.W. A. T. The Explosives Disposal Unit (EDU) maintains standard operating procedures (SOPs) regarding membership, selection criteria, training, equipment, and command and control.

408.5.1 POLICY

It shall be the policy of the Spokane Sheriff's Office in cooperation with the Spokane Police Department to maintain an Explosives Disposal Unit and to provide the equipment, manpower, and training necessary to maintain an effective team. The EDU should be supplied with sufficient resources to perform for basic functions:

- (a) Command and control
- (b) Diagnostic operations
- (c) Disposal/Destruct operations
- (d) Explosive Breaching

408.5.2 APPROPRIATE SITUATION FOR USE OF EDU

The following are examples of incidents which may result in the use of the Explosive Disposal Unit:

- (a) Render safe, collect, transport, preserve as evidence, or dispose of all identified devices, suspected devices, commercial fireworks class 1.3, ammunition .50 caliber and greater, and explosives.
- (b) Provide for legal, proper and safe transportation, disposal, or storage of explosives or other items mentioned above.
- (c) Provide explosive breaching capability for S.W.A.T.
- (d) Conduct post blast crime scene investigations.
- (e) Collect and preserve evidence related to explosive incidents.
- (f) Prepare and provide courtroom testimony.
- (g) Store, maintain, and inventory bomb squad equipment.
- (h) Provide technical support to special operations.
- (i) Provide support for dignitary protection.
- (j) Prepare and present explosives related training programs.
- (k) Maintain professional liaison with other bomb squads, FBI SABT, TSA, ATF, IABTI, etc.
- (l) Compile and report technical data on explosive devices and incidents.
- (m) Report found or recovered military ordinance to military E.O.D. units.

408.5.3 ACTIVATION OF EXPLOSIVES DISPOSAL UNIT (EDU)

Any field supervisor may request EDU assistance by contacting the Combined Communications Center for the EDU supervisor contact information. EDU members on duty may be advised of an active incident, but requests for team activation should be made through the EDU supervisor.

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408.6 FIELD UNIT RESPONSIBILITIES

While waiting for any specialty unit, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
 - 1. Securing any subject or suspect who may surrender.
 - 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communication with the suspect. Once the specialty unit has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
- (f) Be prepared to brief specialty commander on situation.
- (g) Plan for, and stage, anticipated resources.

Ride-Along Policy

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

410.1.1 ELIGIBILITY

The Spokane County Sheriff's Office Ride-Along Program is offered to those who fall within one of the approved categories for riders.

Rider Categories and Restrictions:

- The spouse or relative of a deputy sheriff, once per month.
- Currently employed by a media outlet, no restrictions.
- Department of Emergency Management or SCOPE volunteers, every six months.
- Reserve, Cadet or Spokane County Corrections Deputy, no restrictions.
- Law Enforcement Explorer, once per week.
- Commissioned officer from another jurisdiction, as approved by the shift commander.
- Sheriff's Advisory Board, no restrictions.
- Sheriff's Office Chaplain, no restrictions.
- Sheriff's Office employee, as approved by shift commander.
- Any person to whom the Sheriff, Undersheriff, Inspector, Captain or Lieutenant grants a ride along, no restrictions.
- Job Shadow, as approved by the Training Sergeant and will be subject to the following special restrictions.
 - The applicant must be a student at a recognized institution of learning.
 - If the applicant is a high school student they must be at least 17 years of age and in their senior year.
 - The ride must be required as part of student's curriculum.
 - The student must provide a letter from the course instructor stating the ride is necessary to meet course requirements.
 - If the applicant is under age 18, the parent or guardian must sign the liability waiver and it must be notarized.
 - The applicant must fill out the request to ride form and abide by all directives contained on it.
 - The applicant must provide photo ID at the time of the ride.
 - The ride will be scheduled for no more than 4 hours.
 - The applicant must pass a background check.

Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

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- Being under 18 years of age, except law enforcement Explorers, interns, or job shadows.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. Exceptions may be made as approved by the Sheriff, Division Commander, or Shift Commander.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Shift Sergeant, Precinct Commander or Shift Commander. The applicant must appear in person to obtain the applicable forms. They will present their valid ID or Washington driver's license for photo copying. If the applicant is a Law Enforcement Student they will need to provide their school identification. They will be required to complete a notarized "Liability Waiver" and provide it to an agency representative prior to the ride.

The ride-along will generally be scheduled, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Shift Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

410.2.1 PROGRAM REQUIREMENTS

A background check will be completed on all persons who request a ride-along. The ride-along applicant will be checked through RMS, WACIC/NCIC and NCIC III.

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months and the rides limited to 6 hours in duration. An exception would apply to the following: , Explorers, RSVP, Chaplains, Reserves, sheriff's applicants, and all others with approval of the Shift Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

410.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the sheriff's vehicle. The Shift Commander or field supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the expressed consent of the Shift Commander. In the event that such a ride-along is permitted, the off-duty employee shall not

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be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.2.4 EXPLORER RIDE-ALONG

Explorers meeting certain criteria in the post are allowed to ride with deputies. They can ride for up to 16 hours each month.

Deputies should remember each explorer has a different skill level (e.g., radio use proficiency, knowledge of laws, etc.) and may wish to determine what a particular explorer is able to do to assist them before the ride-along begins.

If a deputy responds to a call, which he/she determines is too dangerous for an explorer to be present, the explorer will be dropped at a safe location near a phone. Radio will be notified of the explorer's location. Explorers are trained to call for a ride; however, the shift supervisor may choose to make arrangements for another deputy, reservist, or advisor to pick up the explorer.

Explorers will wear a complete uniform during ride-along. In addition, they will be issued and will wear the following:

- (a) Ballistic vest (to be worn at all times during the ride-along.)
- (b) Portable radio and holder.
- (c) Standard two cell flashlight, or other flashlight if approved.
- (d) Uniform jacket if needed.

410.3 DEPUTY'S RESPONSIBILITY

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Shift Commander is responsible for approval of the ride-along and the Shift Supervisor is responsible for scheduling of the ride-along. Upon completion of the ride-along, the form shall be returned to the Shift Commander with any comments which may be offered by the deputy.

410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the deputy.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any sheriff's equipment.
- (c) The ride-along may terminate the ride-along at any time and the deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the deputy's duties.

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- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (e) Deputies will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person.

410.4.1 MEDIA

Requests for media ride-alongs will be coordinated through the PIO office with notification to the Sheriff and coordination with the shift commander.

Under no circumstance shall a media ride-along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person.

Restrictions:

- The media shall agree not to videotape or otherwise record or photograph any department members who are designated as being "undercover".
- If undercover members are unavoidably recorded, the media shall agree to obscure or otherwise conceal the identity, face, and/or other distinguishing characteristics.
- Media members shall agree not to broadcast or otherwise publicize images, names, or other identifying information on victims of crimes, witnesses or crimes, or suspects without the written consent of those individuals. (Victim and witness identification is protected under RCW 42.56.240.)
- Media members shall agree that certain conversations or information such as witness or informant names, or plans for future sensitive activities, if overheard, will not be recorded or revealed.
- The media shall refrain from filming, broadcasting or otherwise recording ongoing tactical operations that could jeopardize the public or deputies.

Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with RCW 70.136.030, WAC 296-824, WAC 296-843, 29CFR 1910.120 NFPA 472 (2008 EDITION) and the ERG guidelines, the following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance (either matter, solid, liquid, gas or energy) that when released is capable of creating harm to people, the environment, and property, including weapons of mass destruction (WMD) as defined in USC 18, section 2332a, and as well as any other criminal use of hazardous material, such as illicit labs, environmental crimes scenes or industrial sabotage.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Notify the Combined Communication Center. The Fire District where the HazMat incident occurs will have overall command of HazMat scene.
- (b) Establish a perimeter of sufficient distance from the incident to ensure the safety of first responders and the general public.
- (c) Attempt to identify type of hazardous substance by utilizing the Emergency Response Guide (ERG) to identify Potential Hazardous Material by identification number (four digit) from placard, Orange Panel, driver's, manifest, statements from person transporting or MSDS from appropriate facility personnel).
- (d) Provide first-aid for injured parties if it can be done safely and without contamination, unless equipped with proper PPE, awareness level personnel should not attempt a rescue of contaminated/injured.
- (e) Begin evacuation of immediate area and surrounding areas dependent on substance. Voluntary evacuation should be considered; however depending on the substance, mandatory evacuation may be necessary. Evacuation will be in compliance with the Spokane City/County Comprehensive Emergency Management Plan (CEMP) published by the Spokane County Department of Emergency Management.
- (f) Weather conditions such as wind speed and direction should be considered.

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an administrative report that shall be forwarded via chain of command to the Division Commander. Should the affected employee be unable to document the

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exposure for any reason, it shall be the responsibility of the notified supervisor to complete the administration report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

412.3.1 SUPERVISOR RESPONSIBILITY

Awareness level personnel at the scene of a Hazardous Material Incident who believe they have been contaminated, will report their contamination to their immediate supervisor, County Risk Management and Incident Commander. Supervisor will ensure personnel do not depart the scene until they have been decontaminated. Personnel will then be transported for medical monitoring.

To ensure the safety of employees, safety equipment is available through supervisory personnel.

Each awareness level employee issued PPE will be trained on the use and limitation of the issue PPE prior to its use.

Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

414.2 POLICY

It is the policy of the Spokane County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

414.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

414.3.1 EMERGENCY COMMUNICATIONS

A supervisor may order the telephone company to cut, reroute or divert telephone lines in order to prevent a suspect from communicating with anyone other than designated personnel in a barricade or hostage situation (RCW 70.85.100).

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414.4 FIRST RESPONDER CONSIDERATIONS

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information. Conduct tactical interview for information specific to the incident, officer safety concerns and contact information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

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414.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information. Conduct tactical interview for information specific to the incident, officer safety concerns and contact information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

414.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit response if appropriate and apprising the Crisis Response Unit Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.

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- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Combined Communication Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

414.6 SWAT TEAM RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the SWAT Team during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the Swat Team Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT Team. The Incident Commander and the SWAT Team Commander or the authorized designees shall maintain communications at all times.

414.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

414.8 HOSTAGE NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Hostage Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

414.8.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the Hostage Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the Hostage Negotiation Team supervisor, and a second or third person to be selected by the supervisor. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
-

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- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

Response to Bomb Calls

416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist deputies in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When responding to an incident involving a suspected explosive device, the following guidelines should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordinance disposal team should be summoned for assistance.
- (b) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.
- (c) As much information as is available should be promptly relayed to the Shift Commander including:
 1. The stated threat.
 2. Exact comments.
 3. Time of discovery.
 4. Exact location of the device.
 5. Full description (e.g., size, shape, markings, construction) of the device.
- (d) The device should not be touched or moved except by qualified bomb squad personnel.
- (e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.
- (f) Consideration should be given to evacuating any buildings near the device.
- (g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.
- (h) When in doubt, call for assistance from the Sheriff's Department Bomb Squad.
- (i) Consider requesting the assistance of the explosive detection K-9 when conducting a search, (See policy 318.24)

Explosive or military ordnance of any type should be handled only by the Bomb Squad or military ordinance disposal team.

416.2.1 BOMB THREATS OTHER THAN A SHERIFF'S FACILITY

- (a) The deputy will contact the person in charge of the building or area and a decision will be made by that person whether to evacuate and/or search the building or area.

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- (b) If the decision is to search, personnel from the building or area will conduct the search.
- (c) The deputy should not conduct the search.
- (d) Employees of the affected building or area should be held at the scene for an interview by Bomb squad personnel.
- (e) The Sheriff's Office does not order evacuation of any building or area except when an actual explosive device is found and human lives are at risk, or the information given (in a bomb threat) is overwhelming.
- (f) The shift supervisor will be advised.

416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding deputies should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate action to mitigate scene hazards such as collapsed structures, blood borne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources needed.
- Identify witnesses.
- Preserve evidence.

416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

- Fire Department
- Bomb Squad
- Additional deputies
- Field supervisor
- Shift Commander
- Detectives
- Forensic Science Services

416.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

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416.4 BOMB THREATS RECEIVED AT SHERIFF'S FACILITY

This procedure should be followed should a bomb threat call be received at the sheriff's facility.

416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a bomb threat is received at the Sheriff's Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the sheriff's facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

416.4.2 RESPONSIBILITIES

The employee handling the call shall ensure that the Shift Commander is immediately advised and fully informed of the details. The Shift Commander will then direct and assign deputies as required for coordinating a general building search or evacuation as he/she deems appropriate.

Mental Illness Commitments

418.1 PURPOSE AND SCOPE

This procedure describes a deputy's duties when a person is to be committed to a mental health facility. The commitment of a person does not constitute an arrest. If a deputy believes that a person falls within the provisions of RCW 71.05, he/she shall transport that person to the designated facility for evaluation and commitment.

418.2 DEPUTY CONSIDERATIONS AND RESPONSIBILITIES

Any deputy responding to or handling a call involving a suspected or actual mentally disabled individual or commitment should carefully consider the following (RCW 71.05.010):

- (a) That it is vitally important to safeguard the rights of mentally disabled individuals.
- (b) Any available information which might assist in determining the cause and nature of the mental illness or developmental disabilities.
- (c) Conflict resolution and de-escalation techniques for potentially dangerous situations involving mentally disabled persons.
- (d) Appropriate language usage when interacting with mentally disabled persons.
- (e) If circumstances permit, alternatives to deadly force when interacting with potentially dangerous mentally disabled persons.
- (f) Community resources which may be readily available to assist with the mentally disabled individuals.
- (g) The need to protect public safety.

418.2.1 MENTAL HEALTH DETENTIONS

- (a) A non-emergent detention is defined as one where the mentally disabled subject presents a likelihood of serious harm; or is gravely disabled. In such cases, deputies may take the subject into custody only when:
 1. The mentally disabled person has been evaluated by a designated mental health professional; and
 2. Upon determining the need for detention, the mental health professional has filed a petition for initial detention; and
 3. The mental health professional has requested that the deputy take the subject into custody and have him or her placed in a treatment facility (RCW 71.05.150).
- (b) An emergent detention is defined as one where, as the result of a mental disorder a person presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled. In such cases, deputies may take the subject into custody only under the following circumstances (RCW 71.05).
 1. At the written or oral request of a designated mental health professional who has evaluated the subject and determined the need for an emergent detention, or
 2. When the deputy has reasonable cause to believe that the person is in need of emergent detention.

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- (c) Emergent detentions based upon the written or oral request of a designated mental health professional evaluation will be 72-hour holds. Emergent detentions based upon the deputy's reasonable cause will be 12-hour holds.
- (d) In all circumstances where a person is taken into custody on a mental health detention, the deputy shall also provide a written summary to an Emergency Department staff member regarding the circumstances leading to the involuntary detention.
- (e) In general, any person involuntarily or voluntarily committed to an institution has the right to counsel at all times. If a person suspected of a mental disorder makes it known to the deputy that he/she wishes to contact his/her attorney, the deputy shall facilitate those arrangements as soon as possible.

418.2.2 TRANSPORTATION

When transporting any individual for a commitment, the handling deputy should have Combined Communication Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether or not any special medical care is needed.

Deputies may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Time and mileage shall be given when transporting a person under these circumstances. Violent patients or those that are medically unstable may be restrained if appropriate and transported by ambulance and ambulance personnel. The deputy will escort the patient into the facility and release the patient to the treatment staff.

Patrol deputies may be assigned to transport persons to Eastern State Hospital. Deputies assigned to transport duties will ensure all paperwork, medication and personal property is transported with the person.

418.2.3 RESTRAINTS

If the patient is violent or potentially violent, the deputy will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the deputy will wait while they are being applied to help provide physical control of the patient, if needed.

418.2.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and deputies determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the sheriff's unit.

418.3 CRIMINAL CHARGES AND INDIVIDUALS WITH MENTAL ILLNESS

- (a) When a deputy has reasonable cause to believe that the individual has committed acts constituting a non-felony crime that is not a serious offense as identified in RCW 10.77.092 and the individual is known by history or consultation with the regional support network to suffer from a mental disorder, the deputy may, with the approval of a supervisor (RCW 10.31):
 1. Take the individual to a crisis stabilization unit (Sacred Heart Hospital). Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to 12 hours.
 2. Refer the individual to a mental health professional for evaluation for initial detention and proceeding under RCW Chapter 71.05.

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3. Release the individual upon agreement to voluntary participation in outpatient treatment.
 - (b) Any agreement to participate in treatment shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in a mental health treatment alternative. The agreement is inadmissible in any criminal or civil proceeding. The agreement does not create immunity from prosecution for the alleged criminal activity.
 - (c) Deputies are immune from liability for any good faith conduct under this section.
 - (d) When practical, any person charged with a crime, who also appears to suffer from mental illness, shall be booked at the Spokane County Sheriff's Detention Services before being transported to the authorized facility. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital with the approval of a supervisor.

418.4 CONFISCATION OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or apprehended for examination and is found to have in his/her possession or under his/her immediate control, any firearm whatsoever or any other dangerous weapon, and the handling deputy reasonably believes the weapon represents a danger to the person or others if the person is released, the firearm or other dangerous weapon should be taken into temporary custody for safekeeping. Any weapon seized shall be booked into property pending disposition.

If the detained subject is prohibited from possessing or carrying a firearm pursuant to RCW 9.41.040, the firearm should be seized as evidence. Deputies shall document the violation in a crime report.

This policy does not provide a deputy with the authority or permission to conduct a search for weapons beyond that allowed under the law. Deputies are cautioned that a search warrant may be needed before entering a residence to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

Whenever the handling deputy or the assigned detective has cause to believe that the future return of any confiscated weapon might endanger the person or others, the deputy shall detail those facts and circumstances in a report and direct the property officer to hold the weapons pending judicial review.

The handling deputy shall further advise the person of the below described procedure for the return of any firearm or other dangerous weapon which has been confiscated.

418.4.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

Weapons taken into custody for safekeeping under section 418.4 will be returned to the lawful owner upon request unless the seizing deputy or the assigned detective has placed a hold on the weapons. The Investigative Unit shall be responsible for responding to a petition from the court determining whether or not the weapon(s) will be returned. Once the petition has been ruled on by the court, the weapons will be released or disposed of in accordance with the court order (RCW 9.41.098(4)).

Prior to releasing any weapon, Property Room personnel shall be required to ensure the person is legally eligible to possess the weapon.

In the event that no timely petition is filed with the court or the court denies such a petition, the seized weapon shall be eligible for release to the lawful owner or other authorized

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individual unless such weapon(s) represent evidence in a criminal matter or there is other independent good cause to continue to retain custody of the weapon.

418.5 TRAINING

As a part of all advanced deputy training programs, this agency will endeavor to include CJTC approved training on interaction with mentally disabled persons.

418.6 REPORTING

Deputies will complete a police incident report. Additionally, prior to leaving the treatment facility, deputies will complete the treatment facility's Patient Report by Law Enforcement form.

Animal Control

419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Spokane County Sheriff's Office personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals.

419.2 DEPUTY RESPONSIBILITY

The following animal related calls for service will be handled by the deputy.

Deputies may be dispatched to animal related calls and should take appropriate actions to control the situation or until the arrival of Spokane County Regional Animal Protection Services (SCRAPS.) Due to the hazards of handling animals without proper equipment, responding deputies generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the SCRAPS Officer. The following are examples of when a deputy may consider acting before the arrival of the SCRAPS Officer:

- (a) When there is a threat to the public safety.
- (b) When an animal has bitten someone, deputies should take measures to confine the animal and prevent further injury.
- (c) When an animal is creating a traffic hazard.
- (d) When the owner/handler has been arrested and there is no other alternative placement for the animal.
- (e) When the animal is gravely injured.

419.3 ANIMAL BITE REPORTS

The on-call SCRAPS officer will be called out and respond to all dog bites. The patrol deputy may respond as a back-up officer.

419.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

When SCRAPS is not available, a patrol deputy may respond to a small animal incident and conduct a preliminary investigation. The deputy may attempt to resolve the problem within his/her capabilities or suggest an alternative solution until animal control can handle the incident. The deputy will write a complete report.

419.4.1 LARGE ANIMAL IMPOUNDS

- (a) Patrol deputies may be dispatched to complaints of animals (e.g., cattle, horses, mules, donkeys, sheep, goats, swine) at large. (See RCW 16.24, per 16.24.090 it is a misdemeanor for a person to allow horses, mules, donkeys, cattle, goats, sheep or swine to run at large, except in designated range areas, see Spokane County Ordinance 5.08.020 for the description of range areas in Spokane County.)
- (b) Deputies will use reasonable efforts in locating the legal owner, or person responsible for the animal. When reasonable efforts have been exhausted, the large animal hauler will be contacted. Under certain circumstances animals may be retained by

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the complaining party, see RCW 16.04.010 through 16.04.040. Following are the steps to take when responding to an animal complaint.

1. Check the area for the owner.
2. If the owner cannot be located, contact the shift supervisor or corporal and request the animal hauler.
3. If there is an immediate public safety hazard standby until the animal hauler picks up the animal.
4. Write a report of the incident.

419.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler.

- (a) When the need to kill a seriously injured or dangerous animal is necessary, the department Use of Force Policy § 304 shall be followed. Destruction of an animal shall be undertaken with reasonable prudence. The decision to dispose of a seriously injured animal will rest with the deputy.
- (b) Injured wildlife should be referred to the Department of Fish and Wildlife as applicable.

Citation Releases

420.1 PURPOSE AND SCOPE

Deputies may use citation and notice to appear or juvenile referral release procedures in lieu of booking for misdemeanor and gross misdemeanor offenses with certain exceptions. The state courts have shown the intent to release all persons on misdemeanor and gross misdemeanor citations, if qualified for such release.

420.2 RELEASE METHODS

- (a) Release of adult violators by citation for misdemeanor and gross misdemeanor offenses can be accomplished in two separate ways:
 - 1. Field release is when the violator is released in the field without being transported to Detention Services.
 - 2. A Detention Services release is when a violator is released after being transported to the Detention Services and booked.
- (b) Release of juvenile violators for misdemeanor and gross misdemeanor offenses can be accomplished in two separate ways:
 - 1. A field release in which the case is handled by referral.
 - 2. A jail release in which the juvenile is booked into the juvenile facility.

420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, deputies are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the County, or while assisting another agency. On-duty deputies who discover criminal activity outside the jurisdiction of the County should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty deputies observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved deputy shall clearly identify him/herself as a sheriff's deputy.

Deputies are authorized to use verbal warnings to resolve minor traffic and criminal violations when appropriate.

A supervisor may authorize an "exceptional booking": when he/she has determined that immediate incarceration is necessary for public safety.

420.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with state court rules.

420.3.1 FIELD RELEASE

Whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor, the arresting

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deputy or any other authorized peace officer, may release the person in the field and serve upon the person a citation and Notice to Appear in court (CrRLJ 2.1 (b)(1)).

420.3.2 DETENTION SERVICES RELEASE

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. With a supervisors approval the person arrested may instead be released from Detention Services after booking or booked into Detention Services.

420.3.3 DISQUALIFYING CIRCUMSTANCES

In determining whether to release the person or to hold him or her in custody, deputies shall consider the following factors (CrRLJ 2.1 (b)(2)):

- (a) Whether the person has identified himself or herself satisfactorily.
- (b) Whether detention appears reasonably necessary to prevent imminent bodily harm to himself, herself, or another, or injury to property, or breach of the peace.
- (c) Whether the person has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he or she will refuse to respond to the citation and notice.
- (d) Whether the person previously has failed to appear in response to a citation and notice issued pursuant to this rule or to other lawful process.

420.3.4 INSTRUCTIONS TO CITED PERSON

The citing deputy shall, at the time he/she issues the defendant the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

420.4 JUVENILE REFERRAL AND BOOKING

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the RCW.

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to Juvenile for further action including diversion.

If the juvenile is arrested for a felony, the juvenile may be booked into the juvenile facility. However, a referral is also acceptable in these circumstances. In the case of a referral, the deputy shall release the juvenile to a parent or legal guardian. When considering whether to book the juvenile or handle by referral, the deputy should consider the following, in addition to factors listed in Policy 420.3.3, as reasonable circumstances in which to book the juvenile:

The juvenile suspect:

- will likely fail to appear for further processing, or
- has committed a crime while another case is pending, or
- is a fugitive from justice, or
- had his/her parole suspended or modified.

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420.5 BOOKING OF POSTAL WORKERS AND COMMON CARRIERS

Whenever a postal worker for the United States Postal Service (USPS), an operator of a commercial bus or other common carrier is taken into custody, a supervisor shall respond. The responding supervisor shall immediately notify the suspect's employer of the arrest. The supervisor will make a reasonable effort to insure that the USPS or transportation company is allowed to continue the service interrupted by the suspect's arrest.

Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to deputies when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate our authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed in the U.S. Department of State [website](#).

422.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Deputies should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the deputy, and the deputy has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic

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agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to Washington; but they do occasionally visit the state.

422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 40 consular officers in Washington, with most located in Seattle and Spokane.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words Diplomat or Consul. Vehicles owned by honorary consuls are not issued OFM license plates; but may have Washington license plates with an honorary consul label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating US as the state, if the deputy has reason to question the legitimate possession of the license plate.

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The State of Washington may also issue honorary consul or official representative of any foreign government who is a citizen or resident of the United States of America, duly licensed and holding an exequatur issued by the department of state of the United States of America special plates of a distinguishing color and numerical series.

422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting deputy:

- (a) Identification documents are to be requested of the claimant.
- (b) The title and country represented by the claimant are to be recorded on the back of the deputy's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear.
- (c) The identity and immunity status of the individual shall be conclusively established.
- (d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word *Refused* shall be entered in the signature box, and the violator shall be released.
- (e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain.
- (f) All other claimants are subject to the provisions of the policy and procedures outlined in this chapter.
- (g) The violator shall be provided with the appropriate copy of the notice to appear.

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the deputy or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official

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(green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the deputy has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions San Francisco, CA (415) 744-2910, Ext. 22 or 23 (415) 744-2913 FAX (0800-1700 PST)	Diplomatic Security Service 915 Second Avenue, Room 3410 Seattle, WA 98174 (206) 220-7721 (206) 220-7723 FAX
Office of Foreign Missions Diplomatic Motor Vehicle Office Washington D.C. (202) 895-3521 (Driver License Verification) or (202) 895-3532 (Registration Verification) (202) 895-3533 FAX (0815-1700 EST)	Department of State Diplomatic Security Service Command Center Washington D.C. (202) 647-7277 (202) 647-1512 (Available 24 hours) (202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution

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is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have the collision report coded as required. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

422.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Sheriff within 48 hours whether or not the claim is verified. The words Immunity Claim shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Shift Commander/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating deputy along with any supervisor's notes, materials and/or logs to the Sheriff's office within 48 hours of the incident. The Sheriff's office will check to ensure that notification of Department of State and all necessary follow-up occur.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Deputies shall arrest foreign nationals only under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest.
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance.
- (c) Deputies shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the deputy's presence.

After a lawful detention or criminal arrest, deputies may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Deputies shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

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- Deputies shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever a deputy arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the deputy shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the deputy shall begin the notification process.

422.7.1 ARREST PROCEDURE

Whenever a deputy physically arrests or detains an individual for criminal investigation and the deputy reasonably believes the person to be a foreign national, the deputy shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the deputy shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)). If the individual requests such notification, the deputy shall contact Combined Communication Center as soon as practical and request the appropriate embassy/consulate be notified. Deputies shall provide Combined Communication Center with the following information concerning the individual:

- Country of citizenship.
- Full name of individual, including paternal and maternal surname if used.
- Date of birth or age.
- Current residence.
- Time, date, place, location of incarceration/detention, and the 24-hour telephone number of the place of detention if different from the Department itself.

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, deputies shall provide Combined Communication Center with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

422.7.2 DOCUMENTATION

Deputies shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time Combined Communication Center was notified of the foreign national's arrest/detention and his/her claimed nationality.

Rapid Deployment/Active Shooter Policy

424.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies as they make decisions in these rapidly unfolding and tense situations.

424.2 POLICY

The policy of this department in dealing with the crisis situation shall be:

- (a) To obtain and maintain complete operative control of the incident.
- (b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.
- (c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).
- (d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.
- (e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

424.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to immediately eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action deputies should consider:

- (a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more deputies whenever reasonably possible.
- (b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
- (c) Whether the deputies have the ability to effectively communicate with others in the field.
- (d) Whether planned tactics can be effectively deployed.
- (e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.
- (f) In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

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- (g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the deputy should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

Reporting Police Activity Outside of Jurisdiction

426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Spokane County Sheriff's Office.

426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY

When a deputy is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Shift Commander. If the request is of an emergency nature, the deputy shall notify Combined Communication Center before responding and thereafter notify a supervisor as soon as practical.

426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY

Any on-duty deputy, who engages in law enforcement activities of any type outside the immediate jurisdiction of Spokane County shall notify his/her supervisor or the Shift Commander and the respective jurisdiction at the earliest possible opportunity. Any off-duty deputy who engages in any law enforcement activities, regardless of jurisdiction shall notify the Shift Commander as soon as practical.

The supervisor shall determine if a incident report or other documentation of the deputy's activity is required. The report or other documentation shall be forwarded to the deputy's Division Commander.

Immigration Violations

428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code (U.S.C.) dealing with illegal entry. When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, U.S.C., §§ 1304, 1324, 1325 and 1326, this department may assist in the enforcement of federal immigration laws.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, U.S.C.

428.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention or arrest.

428.3.2 SWEEPS

The Spokane County Sheriff's Office does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

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428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating deputy should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

428.3.5 ARREST

If the deputy intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the deputy may take the person into custody on the suspected criminal violation (RCW 10.31.100). A field supervisor shall be notified of such arrests.

428.3.6 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

If a deputy believes that an individual taken into custody for a felony is also an undocumented alien, after he or she is formally booked into County Detention Services, ICE may be informed by the arresting deputy so that they may consider placing an "immigration hold" on the individual.

Whenever a deputy has reason to believe that a person arrested for any felony may not be a citizen of the United States, and the individual is not going to be booked into County Detention Services, the arresting deputy may cause ICE to be notified for consideration of an immigration hold. In making the determination whether to notify ICE in such circumstances, the deputy should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

- (a) Seriousness of the offense.
- (b) Community safety.
- (c) Potential burden on ICE.
- (d) Impact on the immigrant community.

In the event an individual, who is an undocumented alien, is taken to the County Detention Services for booking for a criminal charge, ICE should be notified so they can decide if they want to interview.

428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The Spokane County Sheriff's Office is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if a deputy suspects that a victim or witness is an undocumented immigrant, the deputy need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

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Nothing in this policy is intended to restrict deputies from exchanging legitimate law enforcement information with any other federal, state or local government entity (Title 8 U.S.C. §1373 and 8 U.S.C. § 1644).

428.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U and T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services must be completed on the appropriate U.S. Department of Homeland Security (DHS) Form I-918 or I-914 by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Investigation Unit sergeant assigned to supervise the handling of any related case. The Investigation Unit sergeant should do the following:

- (a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.
- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS web site at <http://www.uscis.gov/portal/site/uscis>.
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
- (d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.
- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed certification in the case file.

Emergency Utility Service

430.1 PURPOSE AND SCOPE

The County Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Sheriff's Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The County's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the County side of the meter, emergency personnel should be called as soon as practical by Combined Communication Center.

430.1.2 ELECTRICAL LINES

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy may be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for utility emergencies is maintained by Combined Communication Center.

430.2 TRAFFIC SIGNAL MAINTENANCE

The County of Spokane maintains all traffic signals within the County which it is responsible for.

430.2.1 DEPUTY'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the deputy will advise the Combined Communication Center of the location and problem with the signal and take appropriate action to minimize the danger, i.e., portable signs, barricades or directing traffic. The dispatcher should make the necessary notification to the proper maintenance agency.

Patrol Rifles and Shotguns

432.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Spokane County Sheriff's Office will make patrol rifles and shotguns available to qualified patrol deputies as an additional and more immediate tactical resource.

432.2 PATROL RIFLE AND SHOTGUN

432.2.1 DEFINITION

A patrol rifle or a shotgun is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified deputies as a supplemental resource to their duty handgun. No personally owned rifles or shotguns may be carried for patrol duty unless pre-approved in writing by the Sheriff and the department armorer.

432.3 SPECIFICATIONS

Only ammunition that meet agency authorized specifications, approved by the Sheriff, may be used by deputies in their law enforcement responsibilities.

432.3.1 CARBINE WITH MAGNIFYING OPTICS

- (a) For Department members wishing to carry or be assigned a department carbine equipped with magnifying optics, the following shall apply:
1. Department supplied optics will be mounted on department owned carbines and assigned to personnel only after the employee has attended and passed the required Carbine with Magnifying Optics training.
 2. The optics will range from variable 1x to X magnification, or no more than a fixed 4x optic.
 3. The carbine must be equipped with Back Up Iron Sights (BUIS).
 4. Vehicle condition for the carbine will be per policy, in addition to the following:
 - (a) Optics turned down to 1x magnification, unless the optic has a fixed power that is higher.
 - (b) BUIS in the "Up" position.
 - (c) Secured in the vehicle in a manner that does not put undo wear and abuse on the optics, (i.e. locked in a hard case in the trunk or in a proper passenger compartment locking system).
 5. In the event that the trained employee shares his vehicle with a non-trained employee, the trained employee will not make the magnified optic carbine available to the other non-trained employee.
 6. Employees assigned optic equipped carbines will "confirm zero" on their assigned carbine every 90 days, both with the optics and with the BUIS. Employees will be supplied the necessary ammo and supervision to accomplish this goal.

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7. Employees' assigned optic equipped carbines will qualify on the Carbine with Magnifying Optics course annually. This qualification will suffice for standard annual carbine qualification.
 8. In the event that the employee feels the optic has been "bumped", damaged or questions the zero of the optic, the employee will not use the carbine until zero can be confirmed and/or corrected. In the event of damage, the employee will, as soon as practical, notify a department armorer.
- (b) For those employees that wish to place magnified optics on their personally owned carbines used for on-duty carry, they shall:
1. Have an approved carbine, as outlined by policy.
 2. Supply their own quality optic that meets the above requirement.
 3. Must attend and pass the Carbine with Magnifying Optics training.
 4. The carbine must be equipped with Back Up Iron Sights (BUIS).
 5. Vehicle condition for the carbine will be per policy, in addition to the following:
 - (a) Optics turned down to 1x magnification, unless the optic has a fixed power that is higher.
 - (b) BUIS in the "Up" position.
 - (c) Secured in the vehicle in a manner that does not put undo wear and abuse on the optics, (i.e. locked in a hard case in the trunk or in a proper passenger compartment locking system).
 - (d) In the event that the trained employee shares his vehicle with a non-trained employee, the trained employee will not make the magnified optic carbine available to the other non-trained employee.
 - (e) Employees carrying personally owned carbines with optics will "confirm zero" on their carbine every 90 days, both with the optics and with the BUIS. Employees will be supplied the necessary ammo and supervision to accomplish this goal.
 - (f) In the event that the employee feels the optic has been "bumped", damaged or questions the zero of the optic, the employee will not use the carbine until zero can be confirmed and/or corrected. In the event of damage, the employee will, as soon as practical, notify a department armorer. If damaged, the employee will be responsible for repairs unless it's determined that the damage was duty related.

432.4 RIFLE AND SHOTGUN MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles and shotguns shall fall on the Armorer who shall inspect and service each patrol rifle and shotgun on an annual basis.
- (b) Each patrol deputy shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle or shotgun.
- (c) Any patrol rifle or shotgun found to be unserviceable shall be removed from service.
- (d) Each patrol rifle or shotgun shall be subject to inspection.
- (e) No modification shall be made to any patrol rifle or shotgun without prior written authorization from the Armorer.

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432.5 TRAINING

Deputies shall not carry or utilize the patrol rifle or shotgun unless they have successfully completed departmental training. This training shall consist of the approved patrol rifle and shotgun user's course and qualification score with a certified patrol rifle or shotgun instructor. Deputies shall thereafter be required to successfully complete training and qualification conducted by a certified patrol rifle or shotgun instructor.

Any deputy who fails to successfully complete department sanctioned training will no longer be authorized to carry the patrol rifle or shotgun without successful remedial training.

432.6 DEPLOYMENT OF THE PATROL RIFLE AND SHOTGUN

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

- (a) Situations where the deputy reasonably anticipates an armed encounter.
- (b) When a deputy is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where a deputy reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a deputy reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When a deputy reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

432.7 DISCHARGE OF THE PATROL RIFLE AND SHOTGUN

The discharge of the patrol rifle or shotgun shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

432.8 VEHICLE CONDITION

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

- (a) The chamber is empty.
- (b) The action is closed with the hammer cocked.
- (c) The safety is on.
- (d) There is a loaded magazine in the rifle or fully loaded magazine tube in the shotgun.
- (e) The dust cover is closed.
- (f) The rifle or shotgun is locked in the patrol vehicle's rifle or shotgun rack.

432.9 SLUG USE WITH SHOTGUN

- (a) Shotguns with slug ammunition and side saddles shall be carried in vehicle condition a per Policy Manual § 432.8.

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- (b) Only those Sheriff's Office members having received and successfully completed departmental training by the Firearms Staff shall use slug ammunition.
- (c) Only department issued ammunition (slug and buckshot) shall be used.
- (d) Deputies deploying the shotgun should consider the type of encounter they are facing and choose the appropriate ammunition choice, i.e. slug vs buckshot.
- (e) The Mossberg shotguns with the Speed Feed stock shall be carried in the following manner; magazine tube with 5 rounds of buckshot, the Speed feed shall have 4 rounds of buckshot (2 each side), the side saddle shall hold 6 rounds of slug ammunition.
- (f) The Mossberg shotguns absent of the Speed Feed stock shall be carried in the following manner; magazine tube with 5 rounds of buckshot, side saddle containing 4 rounds of slug and two rounds of buckshot. The operator shall choose the order in which the ammunition is carried.

Aircraft Accidents

434.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

434.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows:

434.2.1 DEPUTY RESPONSIBILITY

Deputies should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field deputy at the scene of an aircraft accident include the following:

- (a) Determine the nature and extent of the accident.
- (b) Request additional personnel and other resources to respond as needed.
- (c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.
- (d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- (e) Provide crowd control and other assistance.
- (f) Ensure the Medical Examiner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The fire department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, sheriff's personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

434.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident,

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the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

434.2.3 COMBINED COMMUNICATION CENTER RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

- (a) Fire Department.
- (b) The affected airport tower.
- (c) Closest military base if a military aircraft is involved.
- (d) Ambulances or other assistance as required.

When an aircraft accident is reported to the Sheriff's Office by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

434.2.4 PUBLIC INFORMATION OFFICER RESPONSIBILITIES

The Department Public Information Officer is responsible for the following:

- (a) Obtain information for a press release from the on-scene commander or his/her designee.
- (b) When practical, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media.

Information released to the press regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy.

434.3 DOCUMENTATION

Any aircraft accident (crash) within the County, regardless of whether injuries or deaths occur, shall be documented.

Field Training Officer Program

436.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Spokane County Sheriff's Office.

It is the policy of this department to assign all new sheriff's deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

436.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Minimum of four years of patrol experience, two of which shall be with this department.
- (c) Demonstrated ability as a positive role model.
- (d) Participate and pass an internal oral interview selection process.
- (e) Evaluation by supervisors and current FTOs.
- (f) Holds a valid Peace Officer Certificate with CJTC.

436.2.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete a CJTC Certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Patrol Division Commander or his/her designee and shall possess a CJTC Supervisory Certificate.

The responsibilities of the FTO Program Supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor overall FTO Program.
- (g) Maintain liaison with FTO Coordinators of other agencies.

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- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

436.4 TRAINEE DEFINED

Any entry level or lateral sheriff's deputy newly appointed to the Spokane County Sheriff's Office who has successfully completed a CJTC approved Basic/Equivalency Academy.

436.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 12 weeks.

The training period for a lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

436.5.1 FIELD TRAINING MANUAL

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Spokane County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Spokane County Sheriff's Office.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a weekly basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each week.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

436.6.2 FIELD TRAINING SUPERVISOR

The Field Training Supervisor will review and approve the Weekly Trainee Performance Evaluations submitted by the FTO.

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436.6.3 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training Program.

436.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Weekly Trainee Performance Evaluations.
- (b) End of phase evaluations.
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training.

436.8 REMEDIAL TRAINING FOR VETERAN DEPUTIES

When FTO's are required to be involved in the re-training or supplemental training of veteran deputies, the current FTO Training Model shall be used. Reporting of this training will be the same as the FTO Weekly reports.

Obtaining Air Support

438.1 PURPOSE AND SCOPE

The use of the sheriff helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE

Requests for air support made by members of the Spokane County Sheriff's Office can be approved by the Air Support Unit supervisor, or by any deputy of the rank of Corporal or higher.

If dispatch receives a request for air support from another agency, dispatch will contact the Air Support Unit supervisor directly. If the Air Support Unit supervisor is unavailable, attempts will be made to contact Air Support Unit Tactical Flight Officers.

438.2.1 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.
- (f) Other situations as determined by the field supervisor.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for deputies on the ground.

Detentions And Photographing Detainees

440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down/frisk searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the deputy, the decision to FI or photograph a field detainee shall be left to the discretion of the involved deputy based on the totality of the circumstances available to them at the time of the detention.

440.2 DEFINITIONS

Detention - Occurs when a deputy intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when a deputy actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when a deputy contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Field Interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the deputy's suspicions.

Field Photographs - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

Frisk or Pat-Down Search - This type of search is used by deputies in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

440.3 FIELD INTERVIEWS

Deputies may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the deputy should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.

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- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The deputy has knowledge of the suspect's prior criminal record or involvement in criminal activity.

440.3.1 INITIATING A FIELD INTERVIEW

A deputy may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the deputy's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Spokane County Sheriff's Office to strengthen our community involvement, community awareness and problem identification.

440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
 - 1. When feasible, a statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred. Deputies should seek consent to record such statements whenever possible.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a statement. Such witnesses, if willing, may be transported by department personnel.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

440.4 PAT-DOWN SEARCHES

A pat-down/frisk search of a detained subject may be conducted whenever a deputy reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the deputy has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down/frisk search include, but are not limited to the following:

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- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

Whenever possible, pat-down/frisk searches should be performed by deputies of the same gender.

440.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the deputy shall carefully consider, among other things, the factors listed below.

440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should document in a report or FI that the individual consented to a posed photograph(s).

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to Forensic Unit and retained in compliance with this policy.

440.6 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

440.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Forensics Unit. An associated FI card, incident report, or other memorandum explaining the nature of the contact must be completed. If an individual is photographed as a suspect in a particular crime, any associated report numbers should be noted on the photograph log and maintained as evidence by the Forensic Unit.

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If a photograph is not associated with an investigation where a case number has been issued, the Forensic Unit personnel should review and:

- (a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, Forensic Unit personnel will forward the photo and documents to the Gang Unit Supervisor. The Gang Unit Supervisor will ensure the photograph and supporting documents are retained as proscribed by Policy § 442.
- (b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be maintained by the Forensic Unit personnel. These photographs will be purged as described in Policy § 440.7.1.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file.

440.7.1 PURGING THE FIELD PHOTO FILE

The Forensic Unit Manager will be responsible for periodically purging and destroying all photographs maintained by the Forensic Unit which are more than the current year plus one year old and in compliance with the current Records Management Guidelines and General Records Retention Schedules. The Local Government General Records Retention Schedule (LGRRS) is the controlling schedule for records retention and management ([Records Management Guidelines and General Records Retention Schedules](#)) (RCW Chapter 40.14). Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Spokane County Sheriff's Office and the booking file remains in the Records Section.

440.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Sheriff who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

440.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Sheriff or his/her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Sheriff, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Sheriff to disclose the reason(s) for the delay.

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A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Sheriff or his/her designee to discuss the matter.

After carefully considering the information available, the Sheriff or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Spokane County Sheriff's Office policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Sheriff or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Sheriff or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or Spokane County Sheriff's Office policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Sheriff or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original F.I. was not obtained in accordance with established law or Spokane County Sheriff's Office policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Sheriff or his/her designee determines that any involved Spokane County Sheriff's Office personnel violated existing law or department policy, the Sheriff or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/F.I.'d will be informed in writing within 30 days of the Sheriff's determination whether or not the photograph/F.I. will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

Criminal Street Gangs

442.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity associated with criminal street gangs.

The intent of this policy is to establish a procedure that will be used to develop a database of information and maintain this database so that the information contained therein may be used for enhancing criminal prosecution of criminal street gang participants, and enhance public safety.

442.2 DEFINITIONS

Criminal Street Gang - (RCW 9.94A.030) - Any on-going organization, association, or group of three or more persons, whether formal or informal, having a common name, or common identifying sign or symbols, having as one of its primary activities the commission of criminal acts and whose members and associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or the activities of labor and bona fide nonprofit organizations or their members or agents.

Criminal Street Gang Associate or member - (RCW9.94A.030) - Any person who actively participates in any criminal street gang and who intentionally promotes furthers, or assists in any criminal act by the criminal street gang.

Gang Related Offense Crime - (RCW9.94A.030) Any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang, with the intent to gain admission, or promotion within the gang, or with the intent to promote further or assist in any criminal act by the gang, or is committed for one or more of the following reasons: To increase or maintain the gang size, membership, prestige, dominance, or control in any geographical area; to exact revenge, or retribution for the gang, or any member of the gang; to obstruct justice, or intimidate or eliminate any witness against the gang, or any member of the gang; to directly or indirectly cause any benefit, aggrandizement, gain profit, or other advantage for the gang, it's reputation, influence, or membership; or to provide the gang with any advantage in, or any control or dominance over any criminal market, sector, including but not limited to manufacturing delivering or selling any controlled substance, arson, trafficking in stolen property, promoting prostitution, human trafficking, or promoting pornography.

442.3 IDENTIFICATION OF CRIMINAL STREET GANGS / ASSOCIATES AND MEMBERS

The Spokane Violent Crime Gang Enforcement Team shall be authorized to collect information on individuals who are reasonably suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

- (a) A group of three or more individuals shall be designated a criminal street gang when:
1. They have a common name or common identifying sign or symbol.

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2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts.
 3. One or more members individually or collectively have engaged in a pattern of criminal gang activity.
- (b) Criteria for Gang Member Database Submission: A subject can be entered into the Spokane Regional GangNet database when two or more of the following criteria are found through investigation, coupled with the deputies/officers training and expertise. The only single-criteria approved for entry is an in-custody Detention Services classification interview:
1. Subject has admitted to being a gang member.
 2. Subject has been arrested with known gang members for offenses consistent with gang activity.
 3. Subject has been identified as a gang member by a reliable informant/source.
 4. Subject has been identified as a gang member by an untested informant.
 5. Subject has been seen affiliating with documented gang members either in person or photos. A photo alone cannot justify these criteria. The training and experience of the deputy/officer will be relied on in determining the context of the photo.
 6. Subject has been seen displaying gang symbols and/or hand signs.
 7. Subject has been seen frequenting gang areas.
 8. Subject has been seen wearing gang-specific attire.
 9. Subject is known to have gang-specific tattoos or gang-specific body modifications. Knowledge of these body markings must be documented.
 10. An admission of gang membership during an in custody Detention Services/prison classification interview. *(All others require two criteria). The Spokane Police Department shall maintain source documentation, which adequately supports each entry.
- (c) Criteria for Gang Associate Database Submission: The associate information is entered into the Spokane Regional GangNet database for the purpose of providing further identification, through an established relationship, of an existing gang member. There are two mandatory separate submission criteria established for entry of associates into a gang member's record. The following two criteria must be present:
1. The individual is known to associate with active gang members.
 2. The law enforcement or criminal justice deputy/officer has established a reasonable suspicion the individual is involved in criminal activity or enterprise. The deputy/officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience and training rather than mere hunch or whim. The Spokane Police Department shall maintain source documentation, which adequately supports each entry.
- (d) An individual may be designated as a gang associate only when the individual is known to associate with active criminal gang members and a deputy has established that there is reasonable suspicion that the individual is involved in criminal activity. A deputy's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.
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442.4 CRIMINAL STREET GANG DATABASE

A database of criminal street gang participants shall include:

- (a) Names, aliases, monikers, addresses, tattoos, photographs and other relevant identifying information.
- (b) Gang name.
- (c) Justification used to identify an individual as a criminal street gang participant.
- (d) Vehicle(s) known to be used.
- (e) Cross references to other identified gangs or gang members or associates.
- (f) Other relevant factors/information.

442.4.1 REVIEW AND PURGING OF GANG PARTICIPANT FILE

The database shall be reviewed and purged on an ongoing basis in accordance with 28 CFR part 23, state law, and the Criminal Intelligence Unit guidelines.

All other files shall be retained or purged in accordance with (Records Management Guidelines and General Records Retention Schedules) (RCW Chapter 40.14).

442.4.2 GANG INTELLIGENCE DATABASES

The Sheriff may approve one or more gang intelligence databases for use by members of the Gang Unit. Any such database should be compliant with 28 C.F.R. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the Gang Unit Supervisor's responsibility to determine whether a report or FI contains information that would substantiate an entry into a department approved intelligence database. The Gang Unit Supervisor should retain reports or FIs after appropriate database entries are made.

It is the responsibility of the Gang Unit Supervisor's to retain reports and FIs in compliance with the procedures of the department approved gang/intelligence file and 28 C.F.R. § 23.20.

Validation and purging of gang intelligence databases is the responsibility of the Gang Unit Supervisor.

442.5 FIELD CONTACTS

Deputies who contact individuals who are, or may be participants in criminal street gang activity should complete a FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he/she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink).

Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

442.6 INQUIRY BY PARENT OR GUARDIAN

All inquiries will be made to the Unit Supervisor for determination of dissemination of information. When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the criminal street gang participant's file, acknowledgment of member or associate status may be provided by the Gang Enforcement Team supervisor, unless

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the release of such information can be clearly shown to jeopardize an on going criminal investigation. All inquiries will be made to the Gang Enforcement Team Supervisor for determination of dissemination of information. No information will be provided over the phone, and proof of parental authority will be required before any information is released. No documents or photographs will be provided or released.

Employees must observe strict compliance with the rules of a department approved gang intelligence database regarding release of information from that database.

442.7 DISSEMINATIONS OF THE FILE INFORMATION

Information from criminal street gang participant databases may be furnished to authorized Department personnel and other authorized public law enforcement agencies, including the statewide gang database and the Spokane Regional GangNet system, only on a need-to-know and right to know basis in compliance with 28 CFR part 23 and state law, RCW 42.56.240, RCW 43.43.762 and RCW 43.43.856. This means information that may be of use in the prevention of gang related criminal activity or in the investigation of gang related crimes may be released to members of this department and other law enforcement agencies at the discretion of the unit supervisor or his/her designee.

Information from any department approved gang intelligence file must only be released in compliance with the rules for that particular database.

442.8 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal street gang related shall be documented on a report form and shall at minimum include the following:

- (a) A description of any document, statements, actions, dress or other information that would tend to support the deputy's belief that the incident may be related to the activities of a criminal street gang.
- (b) Whether any photographs were taken and a brief description of what they depict.
- (c) What physical evidence, if any, was observed, collected or booked.
- (d) A specific request that a copy of the report be routed to the Gang Unit.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

Shift Commanders

444.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each shift.

444.2 ACTING SHIFT COMMANDER MAY BE ON CALL

When a Lieutenant is unavailable for duty as Shift Commander, then another Lieutenant or higher ranking officer may serve as Acting Shift Commander while on-call.

Mobile Digital Computer Use

448.1 PURPOSE AND SCOPE

The Mobile Digital Device (MDD) accesses confidential records from the State of Washington, Department of Justice and Department of Licensing databases. Employees using the MDD shall comply with all appropriate federal and state rules and regulations.

448.2 MDD USE

The MDD shall be used for official sheriff's communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDD use is also subject to the department Technology use Policy.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All priority 1 and 2 calls will be dispatched to patrol units by voice and MDD unless otherwise authorized by the Shift Commander.

448.2.1 USE WHILE DRIVING

Use of the MDD by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

448.2.2 DOCUMENTATION OF ACTIVITY

MDD's and voice transmissions are used to record the deputy's daily activity. To ensure the most accurate recording of these activities, the following are required:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the deputy shall record it on the MDD.

448.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the sheriff's radio or through the MDD system.

Deputies responding to in-progress calls shall advise changes in status verbally over the radio to assist other deputies responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDDs.

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448.3 MDD CONSIDERATIONS

The radio and MDD network are the voice of the Sheriff's Office, both within the office and to the listening public. All members, employees, reserves, and volunteers using the radio and MDC communications systems will do so in a professional and courteous manner.

- (a) Deputies will use the MDD as well as the radio to check out at every incident, and check back in using either one after completing the call, unless the situation is deemed an officer safety issue. Officer safety should be the primary consideration when using or not using the MDD.
- (b) All calls for service, which are being held in queue will be resolved as early in the shift as practical. Deputies will check incident status ("IS") every 15 minutes or as soon as practical, to ensure any new priority 3, 4, and 5 calls are handled in a timely manner.
- (c) With regard to call type, deputies are responsible for ensuring the calls they are handling are correctly recorded in CAD. In other words, if a call is listed as a "Theft" but after initial investigation, it is determined it actually was a "Robbery" deputies are responsible for changing the call type.
- (d) Deputies must ensure all administrative time is captured in CAD. If a deputy is completing an administrative task (e.g., writing reports, etc.), he/she must indicate this in his/her unit history.
- (e) Deputies should monitor call loads in adjoining districts and assign themselves to those calls when necessary.
- (f) Deputies will notify a supervisor if they are not able to respond to their holding calls in a timely manner.
- (g) The order in which calls are taken from the MDD stack list will depend upon the length of time the call has been holding, the nature of the call, the deputy's proximity to the call, and the deputy's personal knowledge of the call.
- (h) Dispatch or Deputies will assign themselves to priority 3, 4 and 5 calls by MDD.
- (i) Deputies will be aware some priority 3 and 4 calls may require back-up and will request back-up in those instances. This should be done by voice transmission.
- (j) Deputies will notify both the communications center and a supervisor when they are unavailable for calls, for an extended period of time.
- (k) Deputies may assign themselves to a call, but may not assign another unit to a call.
- (l) When practical data checks should be done by MDD, if possible.
- (m) Deputies should use the MDD for routine activity and routine location changes. Location changes on priority calls should be done via the radio. When clearing a call which requires a WASCIC entry (e.g., stolen vehicle) the deputy should do so via the radio.
- (n) If practical, deputies will use the MDD Self Initiated Activity Mask when initiating an incident. The deputies are responsible for back-up requests.
- (o) The primary unit assigned to a call has the responsibility of assigning the incident disposition code when clearing. Clearing calls should be done by MDD. The primary unit is the only unit to use the disposition code. Additional units should clear by using the free form clear command, not the disposition code 8D.
- (p) All Sergeants will be aware of the guidelines set for patrol deputies and in the use of the MDD, including accurate recording and reporting issues.
- (q) Sergeants are responsible for ensuring waiting calls for service are being handled on a timely basis. If waiting calls are not being handled the sergeant will take steps to ensure all deputies are resolving them.

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- (r) Sergeants will immediately correct any problems they become aware of in the use of the MDD, whether the issue is the improper use of the MDD or a training error.
- (s) Priority 1 and 2 calls will be dispatched by voice transmission and supplemented by MDD transmission, under normal circumstances (exceptions may be granted when the situation dictates the need for more secure transmissions).
- (t) Priority 3 calls will generally be dispatched by MDD; however, if back-up is required the deputy may be dispatched by voice transmission.
- (u) Priorities 4 and 5 include "cold" misdemeanor crimes, quality of life issues, etc. Generally, priority 4 and 5 incidents will be dispatched by MDD.
- (v) Priority 3, 4, and 5 calls will be dispatched by voice to field units if the call has been holding for more than 30 minutes.
- (w) Communications personnel will provide support services to field units when it is not possible for deputies to use phones, or MDD's.
- (x) "Informational broadcast" and "attempt to locate" information will be broadcast by voice transmission and MDD.
- (y) Communications Supervisors will call complainants back for a status update at least every 60 minutes if there is a lengthy delay in responding to a call.
- (z) Communications Supervisors will notify the Patrol Shift Sergeant when Priority 1 or 2 calls are holding because of a lack of deputies to respond. Further, the Patrol Shift Sergeant will be notified if Priority 3, 4, 5 calls have been holding for longer than 45 minutes.

448.3.1 NON-FUNCTIONING MDD

When having MDD problems, deputies shall notify Combined Communication Center. It shall be responsibility of Combined Communication Center to record all information that will then be transmitted verbally over the sheriff's radio.

448.3.2 BOMB CALLS

Deputies shall not use any equipment, including MDD's, to transmit a radio frequency signal within 300 feet of a suspected improvised explosive device.

Medical Marijuana

452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for handling and distinguishing between claims of medical marijuana use under Washington's Medical Use of Cannabis Act and criminal controlled substance violations (RCW 69.51A).

452.1.1 DEFINITIONS

Definitions related to this policy include (RCW 69.51A.010):

Designated provider - A person who is 18 years of age or older, who has been designated in writing by a patient to serve as a designated provider. An individual can act as a designated provider to no more than one patient at a time and is prohibited from consuming marijuana obtained for the use of the patient.

Medical use of marijuana - The production, possession, or administration of marijuana, as defined in RCW 69.50.101, for the exclusive benefit of a qualifying patient in the treatment of his/her terminal or debilitating medical condition.

Qualifying patient - Any person who meets all of the following criteria:

- Has been diagnosed by his/her health care professional as having a terminal or a debilitating medical condition.
- Is a resident of the state of Washington at the time of such diagnosis.
- Has been advised by his/her health care professional about the risks and benefits of the medical use of marijuana.
- Has been advised by the health care professional that he/she may benefit from the medical use of marijuana.

Valid documentation - Documentation that meets all of the following criteria:

- A statement signed and dated by a qualifying patient's health care professional, written on tamper-resistant paper, which states that in his/her professional opinion, the patient may benefit from the medical use of marijuana.
- Proof of identity, such as a Washington state driver's license or identi-card (RCW 46.20.035).

452.2 POLICY

Washington State medical marijuana laws are intended to provide protection from arrest and prosecution for those who use, possess, deliver, or produce cannabis to mitigate the symptoms associated with certain terminal or debilitating medical conditions. However, Washington's medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. Deputies should exercise discretion to ensure laws are appropriately enforced without burdening both the individuals protected under Washington law and the resources of the Sheriff's Office. Deputies should prioritize resources to avoid making arrests related to marijuana that the deputy reasonably believes would not be prosecuted by state or federal authorities.

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452.3 INVESTIGATION

Deputies are likely to encounter three different scenarios involving cannabis:

- (a) No claim of a medical marijuana authorization; or
- (b) Claim of a medical marijuana authorization and in compliance with the law; or
- (c) Claim of a medical marijuana authorization and not in compliance with the law.

452.3.1 NO CLAIM UNDER THE STATE MEDICAL MARIJUANA LAW

In any investigation involving the possession, delivery, or production of marijuana where there is no claim that the marijuana is for medicinal purposes, the deputy should proceed with reasonable enforcement action. A medicinal defense may be raised at a later time, so deputies should document any statements and observations that may be relevant to whether the marijuana is possessed or produced for medicinal purposes.

452.3.2 CLAIMING DEFENSE UNDER STATE MEDICAL MARIJUANA LAW

- (a) The medical use of cannabis in accordance with the terms and conditions of Washington's Medical Use of Cannabis Act does not constitute a crime and a qualifying patient or designated provider in compliance with the terms and conditions of Washington's Medical Use of Cannabis Act may not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences, for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, cannabis under state law, or have real or personal property seized or forfeited for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, cannabis under state law, if:
 - 1. The qualifying patient or designated provider possesses no more than fifteen cannabis plants and:
 - (a) No more than twenty-four ounces of useable cannabis; or
 - (b) No more cannabis product than what could reasonable be produced with no more than twenty-four ounces of usable cannabis; or
 - (c) A combination of useable cannabis and cannabis product that does not exceed a combined total representing possession and processing of no more than twenty-four ounces of usable cannabis.
 - 2. If a person is both a qualifying patient and a designated provider for another qualifying patient, the person may possess no more than twice the amounts described in section 1 above, whether the plants, useable cannabis, and cannabis product are possessed individually or in a combination between the qualifying patient and his or her designated provider;
 - 3. The qualifying patient or designated provider presents his or her valid documentation for the medical use of cannabis to any peace officer who questions them regarding their medical use of cannabis;
 - 4. The qualifying patient or designated provider keeps a copy of authorizations posted prominently next to any cannabis plants, cannabis products, or useable cannabis;
 - 5. The investigating peace officer does not possess evidence that:
 - (a) The designated provider has converted cannabis produced or obtained for the qualifying patient for his or her own personal use or benefit; or

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- (b) The qualifying patient has converted cannabis produced or obtained for his or her own medical use to the qualifying patient's personal, nonmedical use or benefit;
 - (c) The qualifying patient or designated provider has committed a felony, or is committing a misdemeanor in the officer's presence, that does not relate to the medical use of cannabis;
 - (d) An outstanding warrant for arrest exists for the qualifying patient or designated provider.
6. The investigating peace officer does not possess evidence that the designated provider has served as a designated provider to more than one qualifying patient within a fifteen-day period.
- (b) Deputies should conduct a thorough investigation in such cases, but in general, should not arrest a subject for possession, deliver, or production of marijuana if an excess amount appears reasonable based upon the above policy considerations. If a deputy can verify that valid documentation exists, even though it was not presented by a qualified patient or designated provider, an arrest generally should not be made. All facts should be thoroughly documented and if evidence is not seized, it should be photographed and detailed in the report. A short informational report should be made even if the person contacted is within compliance of the medical marijuana law. Since there is not a registry of authorized medical marijuana patients and providers, such information is valuable to narcotic investigators who might have an investigation related to the persons or places contacted.

452.3.3 COLLECTIVE GARDENS

While medical marijuana dispensaries are not lawful under Washington's Medical Use of Cannabis Act, the law does provide for collective gardens. Qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting, and delivering cannabis for medical use subject to the following conditions:

- (a) No more than ten qualifying patients may participate in a single collective garden at any time;
- (b) A collective garden may contain no more than fifteen plants per patient up to a total of forty-five plants;
- (c) A collective garden may contain no more than twenty-four ounces of useable cannabis per patient up to a total of seventy-two ounces of useable cannabis;
- (d) A copy of each qualifying patient's valid documentation, including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden; and
- (e) No useable cannabis from the collective garden is delivered to anyone other than one of the qualifying patients participating in the collective garden.

452.3.4 SEIZURE OF CANNABIS OVER THE MEDICAL LIMIT

An investigating peace officer may seize cannabis plants, useable cannabis, or cannabis product exceeding the amounts set forth in RCW 69.51A.040(1): PROVIDED, that in the case of cannabis plants, the qualifying patient or designated provider shall be allowed to select the plants that will remain at the location.

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452.4 EXCEPTIONS TO A MEDICAL MARIJUANA DEFENSE

- (a) It is a class 3 civil infraction to use or display medical cannabis in a manner or place which is open to the view of the general public;
- (b) It is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under RCW 69.51A.010(32)(a), or to backdate such documentation to a time earlier than its actual date of execution;
- (c) Enforcement action should be taken against anyone who engages in the medical use of cannabis in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or RCW 46.61.504.

452.5 RETURN OF SEIZED CANNABIS

Regardless of the prosecution status or disposition of any related criminal case, the Sheriff's Office will not return any marijuana seized as evidence unless presented with a valid court order requiring the return. Per the policy of the Spokane Police Department Evidence Facility, commissioned law enforcement officers will return the marijuana pursuant to a court order as the Evidence Facility personnel are not authorized to do so.

Marine Enforcement Unit

455.1 PURPOSE AND SCOPE

The Spokane County Sheriff's Office Marine Enforcement Unit has the responsibility for enforcing water safety and use laws within Spokane County. Deputies assigned to the Marine Enforcement Unit may coordinate efforts with Patrol Division deputies when enforcing laws, ordinances, and regulations pertaining to boating.

Marine Enforcement deputies and Patrol deputies will enforce Spokane County Ordinances (Chapter 6.03), as well as applicable federal and state laws

455.2 INVESTIGATIONS

Marine Enforcement deputies or patrol deputies will conduct the preliminary investigation of boating violation complaints, boating accidents, or incidents. When investigating complaints, accidents, or incidents, pertinent information will be gathered and the investigative report will be written. Reports will be routed to the appropriate unit or agency.

Follow-up investigations will normally be assigned to the Marine Enforcement Unit. However, if appropriate, follow-up investigations may be assigned to a detective, or patrol deputy.

455.2.1 BOATING ACCIDENTS

The Marine Enforcement Unit has primary responsibility for investigating boating accidents. Boating accidents will be investigated when an involved party is transported to a medical facility, or there is a death. Boating accidents will be reported when damages to either vessel or property exceeds \$500. Boating accident reports are available at the Department of Emergency Management.

455.2.2 INVESTIGATING BOATING WHILE INTOXICATED

If an accident or incident occurs and the driver of the boat is under the influence of alcohol, the information gathered is the same as if the driver were operating an automobile. However, there is no "implied consent" when operating a boat. Basically this means the deputy relies on the physical elements of the crime (e.g., odor of intoxicants, bloodshot eyes, balance, nystagmus gaze, etc.) to make the arrest (See RCW 88.12.025). The facts and circumstances of the incident should be well documented in the report.

It is recommended a search warrant be obtained to draw blood in those boating incidents/accidents involving death or serious bodily injury.

455.3 ASSIST SEARCH AND RESCUE

Marine Enforcement deputies will assist in search and rescue operations, and will respond to coordinate and assist the water rescue team.

- (a) Patrol deputies who respond to an incident where there is a possibility for the need of the water rescue team should inform the dispatch center immediately.
- (b) Patrol deputies will assist the Marine Enforcement Unit deputies when called upon. The primary responsibility of the patrol deputy is to control on-shore activities, or to conduct on-shore investigations.

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- (c) The water rescue team will respond on an as needed basis. The shift sergeant or higher will be notified and briefed on their response.
- (d) The water rescue team will be contacted through dispatch center.

455.4 BOATING SAFETY TRAINING

Marine Enforcement deputies will present information to the public with regard to boating safety, boating laws and regulations, first aid, and Marine Enforcement Unit functions.

455.5 UNIFORM

Marine Enforcement Unit uniforms can be found in Marine Enforcement Unit Standard Operating Procedure Manual.

Foot Pursuit Policy

456.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the deputy, the suspect or the public.

456.1.1 POLICY

It is the policy of the Sheriff's Office when deciding to initiate or continue a foot pursuit that deputies must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Sheriff's Office personnel, the suspect or the public.

Deputies are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Sheriff's Office personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

456.2 DECISION TO PURSUE

Deputies may be justified in initiating a foot pursuit of any individual who the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion of the individual's involvement in criminal activity.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- Containment of the area
- Canine search
- Saturation of the area with patrol personnel
- Aerial support
- Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

456.3 GUIDELINES FOR FOOT PURSUIT

Unless the deputy reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), deputies should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

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- (a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.
- (b) When the deputy is acting alone.
- (c) When two or more deputies become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The deputy is unsure of his or her location and direction of travel.
- (e) When pursuing multiple suspects and the pursuing deputies do not reasonably believe that they would be able to control the suspect should a confrontation occur.
- (f) When the physical condition of the deputies renders them incapable of controlling the suspect if apprehended.
- (g) When the deputy loses radio contact with Combined Communication Center or with backup deputies.
- (h) The suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient deputies.
- (i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.
- (j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.
- (k) The deputy loses possession of his/her firearm or other essential equipment.
- (l) The deputy or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.
- (o) The deputy's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

456.4 RESPONSIBILITIES IN FOOT PURSUITS

456.4.1 INITIATING DEPUTY RESPONSIBILITIES

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient deputies are present to safely apprehend the suspect.

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

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- (a) Unit identifier.
- (b) Location and direction of travel.
- (c) Reason for the foot pursuit.
- (d) Whether the suspect is known or believed to be armed.

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputy unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify Combined Communication Center of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

456.4.2 ASSISTING DEPUTY RESPONSIBILITIES

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

Any deputies who is in a position to intercept a fleeing suspect, or who can assist the primary deputy with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

456.4.3 SUPERVISOR RESPONSIBILITY

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information necessary to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing deputies or the public unreasonably appears to outweigh the objective of immediate apprehension of the suspect.

456.4.4 COMBINED COMMUNICATION CENTER RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, communication personnel shall, as soon as practical, notify the field supervisor and provide available information. Communication personnel are also responsible for the following:

- (a) Clear the radio channel of non-emergency traffic.
- (b) Repeat the transmissions of the pursuing deputy as needed.
- (c) Ensure that a field supervisor is notified of the pursuit.
- (d) Relay all pertinent information to responding personnel.
- (e) Contact additional resources as directed by a supervisor.
- (f) Coordinate response of additional resources to assist with the foot pursuit.

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456.5 REPORTING

The initiating deputy shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Department Use of Force Policy.
- (e) Any injuries or property damage.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating deputy need not complete a formal report.

Automated License Plate Readers

462.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPR is used by the Spokane County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

462.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Spokane Valley City Precinct Commander. The Spokane Valley City Precinct Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

462.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate law enforcement business.
- (b) An ALPR may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment, or access ALPR data, without first completing department-approved training.
- (e) If practicable, the deputy should verify an ALPR response through the Central Computerized Enforcement Service System (ACCESS) before taking enforcement action that is based solely upon an ALPR alert.
- (f) No ALPR operator may retrieve ACCESS data unless otherwise authorized to do so.

462.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by ALPR are for the official use of the Spokane County Sheriff's Office, and because such data may contain confidential ACCESS information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Spokane Valley City Precinct Commander is responsible to ensure proper collection and retention of ALPR data.

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All ALPR data downloaded to the server shall be stored according to the [Washington State Law Enforcement Records Retention Schedule](#) and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action, or is subject to a lawful action to produce records. In such circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

No video recording in the possession of the Sheriff's Office shall be duplicated and released to the public unless;

- (a) There has been a final disposition of any criminal or civil litigation arising from the event that was recorded; or
- (b) There is nothing contained in the video that readily identifies the individual or individuals that are the subject of the video and the video contains no information that would interfere with any court proceeding related to the event that is the subject of the video.

462.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Spokane County Sheriff's Office will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Manager and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) ALPR system audits should be conducted on a regular basis.

Homeless Persons

464.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Spokane County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Spokane County Sheriff's Office will address these needs in balance with the overall missions of this department. Therefore, deputies will consider the following policy sections when serving the homeless community (see the Mental Illness Commitments Policy).

464.1.1 POLICY

It is the policy of the Spokane County Sheriff's Office to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

464.2 FIELD CONTACTS

Deputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

464.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a vulnerable adult and if so, proceed in accordance with the Abuse of Vulnerable Adults Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

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- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.
- (h) Document any facts indicating that the offense was intentionally committed because the victim was homeless or perceived to be homeless (RCW 9.94A.535).

464.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted.

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to a supervisor.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform a supervisor if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Supervisor to address the matter in a timely fashion.

464.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness detention is not warranted, the contacting deputy should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

464.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Spokane County Sheriff's Office. Information provided by the Electronic Traffic Information Processing (eTRIP) data retrieval system is a valuable resource for traffic accident occurrences and deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All deputies shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance. The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

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500.3.2 CITATIONS AND INFRACTIONS

Citations and infractions may be issued when a deputy believes it is appropriate. It is essential that deputies provide the following upon issuance of a citation or infraction for a traffic violation:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
- (d) Traffic School brochure when appropriate.

500.3.3 ARRESTS FOR TRAFFIC OFFENSES

Deputies may issue a traffic citation for any criminal traffic offense or infraction when such violations are committed in the deputy's presence or as allowed pursuant to RCW 10.31.100. With limited exceptions, the detention in such cases may not be for a period of time longer than is reasonably necessary to issue and serve a citation to the violator.

A traffic-related detention may expand to a physical arrest under the following circumstances:

- (a) When the deputy has probable cause to believe that a felony has been committed, whether or not it was in the deputy's presence
- (b) When the offense is one or more of the violations listed in RCW 10.31.100(3)
- (c) When a driver has been detained for a traffic offense listed in RCW 46.63.020 and fails to provide adequate identification or when the deputy has reasonable grounds to believe that the person to be cited will not respond to a written citation. In such cases, deputies should, when practicable, obtain the approval of a supervisor before making an arrest.

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If a deputy contacts a traffic violator for driving on a suspended or revoked license, the deputy may issue a traffic citation.

If a computer check of a traffic violator's license status reveals a suspended or revoked drivers license and the traffic violator still has his/her license in possession, the license may be seized by the deputy. The deputy shall verbally advise the traffic violator of the suspension or revocation and issue the citation.

500.4.1 SUSPENDED, REVOKED OR CANCELED COMMERCIAL LICENSE PLATES

If a deputy contacts a traffic violator who is operating a commercial truck, truck tractor or tractor with registration that a computer check confirms to be revoked, suspended or canceled, the deputy shall confiscate the license plates. The Department may either recycle or destroy the plates (RCW 46.32.100).

500.5 HIGH-VISIBILITY VESTS

The Department has provided ANSI Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (23 CFR 634.3).

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Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be issued to Sheriff's Office employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (23 CFR 634). It is the responsibility of the employee to maintain the vest in a serviceable condition.

Any damage to high-visibility vests will be handled in accordance with Policy Manual § 700.

500.6 HAZARDOUS ROAD CONDITIONS

The Spokane County Sheriff's Office will make all reasonable efforts to address all reported hazardous road conditions in a timely manner as circumstances and resources permit.

500.7 SPEED MEASURING DEVICES

Prior to operating a speed measuring device, the deputy must have successfully completed the WSCJTC basic training.

Operators shall test and calibrate the equipment in accordance with training.

Unless each and every test result is within the tolerance level set forth by the manufacturer the equipment will be taken out of service and repaired by authorized personnel.

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Spokane County Sheriff's Office prepares traffic collision reports and as a public service makes traffic collision reports available to the community, with some exceptions, through the WSP Records Division.

502.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by members of this department shall be forwarded to the SPD Records Division for processing. The Traffic Sergeant will be responsible for monthly and semi-annual reports on traffic collision statistics to be forwarded to the Patrol Division Commander, or other persons as required.

502.2.1 STATEWIDE ELECTRONIC COLLISION AND TICKET ONLINE RECORDS (SECTOR)

This department utilizes SECTOR software to complete traffic citations and traffic collision reports. SECTOR shall only be used by those authorized employees who have completed department-approved training in the use of SECTOR software. All traffic collision reports completed with SECTOR software shall comply with established report approval requirements.

All reports completed using SECTOR software should be downloaded to the designated server as soon as practicable or in any case prior to the end of the employee's shift.

502.3 REPORTING SITUATIONS

502.3.1 TRAFFIC COLLISIONS INVOLVING COUNTY VEHICLES

Traffic collision investigation reports shall be taken when a County-owned vehicle is involved in a traffic collision upon a roadway or highway wherein it meets the reporting threshold, i.e a minimum of \$700 damage to any one vehicle or any injury results. A general information report will be taken when the collision does not meet the minimum reporting threshold. Whenever there is damage to a County vehicle, a Property Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage should be taken. A thorough report will be written to document the evidence and circumstances surrounding the collision.

502.3.2 TRAFFIC COLLISIONS WITH SHERIFF'S DEPARTMENT EMPLOYEES

When an employee of the Sheriff's Office, either on-duty or off-duty, is in a county vehicle involved in a traffic collision within the jurisdiction of the Spokane County Sheriff's Office resulting in life threatening injuries or fatality, the Fatal Incident Protocol will be invoked.

502.3.3 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS

The Traffic Sergeant or on-duty Shift Supervisor may request assistance from the Washington State Patrol or Spokane Police Department for the investigation of any traffic collision involving any County official or employee where a serious injury or fatality has occurred.

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502.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is:

- (a) A death or injury to any person involved.
- (b) A hit and run violation.
 - 1. Must exceed \$700.00 in damage.
 - 2. Presence of sufficient suspect identifiers for follow-up.
- (c) A criminal RCW violation.

An Incident Report may be taken at the discretion of any supervisor.

502.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision.
- (b) When there is an identifiable violation of the Revised Code of Washington.
- (c) Property damage exceeding the dollar amount currently established by WSP.
- (d) When a report is requested by any involved driver.

In all cases where a traffic collision report is required by policy, the current state authorized form will be used to document the collision (RCW 46.52.070).

502.3.6 NON-INJURY TRAFFIC COLLISION RESPONSES MAY BE WAIVED

- (a) When inclement weather creates too many collisions for available resources to respond.
- (b) Lack of available resources would create an excessive wait time for involved parties.

The decision not to respond to a collision may be made by a patrol supervisor or shift commander. Radio supervisors will be notified of the "injury only" response status.

502.4 NOTIFICATION OF TRAFFIC TECHNICIAN/INVESTIGATOR

The shift commander will be notified of all serious injury and/or fatal collisions where the Sheriff's Office is the agency having investigative jurisdiction. In the event of a collision involving a death or substantial bodily harm to any vehicle occupant, pedestrian, or bicyclist, or involving a felony, i.e. vehicular homicide or vehicular assault, a technical collision investigator will respond. The shift sergeant or commander shall notify the traffic sergeant or traffic corporal to relate the circumstances of the traffic collision and seek assistance from traffic investigators. If a traffic technician is on-duty, he or she will respond to the scene. If a traffic technician is not available, the traffic sergeant, traffic corporal, shift sergeant or shift commander will call-out the appropriate resources to ensure the collision is investigated by a traffic technician or traffic detective.

Vehicle Towing Policy

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing/impounding a vehicle by or at the direction of the Spokane County Sheriff's Office.

510.2 RESPONSIBILITIES

The responsibilities of those employees towing or impounding a vehicle are as follows.

510.2.1 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested (including when the owner is incapacitated or no longer on scene), a company will be selected from the rotational list of towing companies in Combined Communication Center. This does not apply when a vehicle is needed as evidence of a crime (Vehicular Homicide or assault), in which case a contract tow will be used.

If the owner is incapacitated, unavailable or for any reason it is necessary for the department to remove a vehicle from the public right-of-way to a place of safety, the deputy will complete a Uniform Washington State Tow/Impound and Inventory Record form.

510.2.2 DRIVING A NON-COUNTY VEHICLE

Generally, non-county vehicles should not be driven by sheriff personnel unless it is necessary to move a vehicle a short distance or for exigent circumstances.

510.2.3 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

510.2.4 COMMUNICATIONS SECTION RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Spokane County Sheriff's Office the Communications Section personnel will promptly attempt to notify the legal owner of the recovery. (RCW 7.69.030(7))

510.3 TOWING SERVICES

The County of Spokane periodically selects a firm to act as the official tow service (contract tow) and awards a contract to that firm. This firm will be used in the following situations:

- (a) When a Sheriff's office vehicle needs to be towed.
- (b) When a vehicle is being held as evidence in connection with an investigation.

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Nothing in this policy shall require the Department to tow a vehicle.

510.4 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping for the arrestee's vehicle. The vehicle shall be stored whenever it is mandated by law, needed for the furtherance of an investigation or prosecution of the case or when the Community Caretaker Doctrine would reasonably suggest it. For example, the vehicle would present a traffic hazard if not removed, or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

No impound should occur if other alternatives are available that would ensure the vehicle's protection. Factors that should be considered by deputies in determining whether to impound a vehicle pursuant to this policy include:

- (a) Whether the offense for which the subject was arrested mandates vehicle impound (i.e. DUI, commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor (RCW 9A.88.140(2))).
- (b) Whether someone is available at the scene of the arrest to whom the vehicle could be released.
- (c) Whether the vehicle is impeding the flow of traffic or is a danger to public safety.
- (d) Whether the vehicle can be secured.
- (e) Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.
- (f) Whether there is some reasonable connection between the crime/arrest and the vehicle, or the vehicle is related to the commission of another crime (i.e., the vehicle itself has evidentiary value).
- (g) Whether the owner/operator requests that the vehicle be stored.
- (h) Whether the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.
- (i) Whenever a deputy finds an unattended vehicle at the scene of a collision or when the driver of a vehicle involved in a collision is physically or mentally incapable of deciding upon steps to be taken to protect his or her property.
- (j) Whenever a deputy discovers a vehicle that the deputy determined to be a stolen vehicle and the registered or legal owner of the vehicle cannot be contacted or has previously authorized the towing of his/her vehicle upon recovery.

In cases where a vehicle is not stored, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages to the vehicle.

510.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. A locked vehicle trunk shall not be opened, even if it may be opened without a key from an accessible area of the passenger compartment. Locked or closed containers located within the passenger compartment should be inventoried as a sealed unit, absent exigent circumstances.

Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of

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protecting an owner's property while in sheriff's custody, to provide for the safety of deputies, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputies should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.7 TOWING OF HULK VEHICLES

Hulk vehicles should be towed by the Abandoned Auto personnel during work hours. They should only be towed by patrol deputies in emergency situations, i.e., blocking the roadway.

Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound validity hearings.

512.2 IMPOUND HEARING

When a vehicle is impounded by any member of the Spokane County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent (RCW 46.55.240).

512.2.1 HEARING PROCEDURES

When requested by a petitioner, an impound hearing will be scheduled by the District Court within 5 days of the receipt of the request. The Department will appoint a Hearing Officer, which is typically one of the Traffic corporals or sergeants, who will serve as the Department's agent and testify at the impound hearing. The employee who caused the removal of the vehicle does not need to be present for this hearing. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing (RCW 46.55.120(3)(e)). The Department's impound hearing agent will determine the reason(s) the vehicle was towed and print out all associated reports dealing with the impoundment. Three copies of the reports will be made - one for the agent, one for the Court, and one for the petitioner. The impound hearing agent should prepare notes for presentation in Court, i.e. sequence of events, attempts to get a hold of the registered owner, respective RCW's, department policy, etc. When the Impound Hearing begins, the impound hearing agent will provide a copy of the reports to the Court and petitioner and then testify to the sequence of events and the reason(s) for the impound. The Department will have the burden of proving by preponderance of the evidence that the vehicle was impounded lawfully and within policy. The District Court will make this determination after weighing all of the evidence brought forward during the impound hearing. If the Department's decision to impound is upheld by the Court, the impound hearing agent will get a copy of the judgment from the Court and give it, along with the copy of reports, to the Traffic lieutenant so they can be saved and on file for possible future appeals by the petitioner. If the case is lost, the impound hearing agent will provide copies of the judgment and reports to the Department's administrative secretary and civil attorney for the appeal process.

Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY

The Spokane County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Washington's impaired driving laws.

514.3 INVESTIGATIONS

Deputies should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All deputies are expected to enforce these laws with due diligence.

514.4 FIELD TESTS

Deputies will utilize the standardized field sobriety tests (SFST's) as instructed or trained on from the National Highway Traffic Safety Administration (NHTSA) DWI Detection and SFST manual. Additionally, deputies are encouraged to use preliminary breath test (PBT) instruments whenever feasible.

514.5 IMPLIED CONSENT

Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of (RCW 46.61.506), to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting deputy has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxication liquor or any drug or was in violation of (RCW 46.61.503). Neither consent nor this section precludes a deputy from obtaining a search warrant for a person's breath or blood.

514.5.1 BREATH TESTS

The Traffic deputies who are certified PBT technicians should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Sergeant.

514.5.2 BLOOD TESTS

Only persons authorized by law to withdraw blood shall collect blood samples (RCW 46.61.506). The withdrawal of the blood sample should be witnessed by the assigned deputy. No deputy, even if properly certified, should conduct the blood withdrawal.

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Deputies should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

514.6 REFUSALS

When a person refuses to provide a breath or blood sample, deputies should:

- (a) Read the respective implied consent warning from the Washington State Patrol DUI Arrest Report packet.
- (b) Document exactly how the person refused in the appropriate report.
- (c) Upon refusal to submit to breath or blood test, deputies shall complete the refusal to submit to breath/blood test form, give the person the Request for DUI Hearing form and punch the person's WA state driver's license with the diamond punch located in the respective Breathalyzer room. (Do not punch out of state driver's licenses.)

514.6.1 STATUTORY NOTIFICATIONS

Upon refusal to submit to a breath/blood test as required by law, deputies shall personally serve the notice of intent to suspend, revoke or deny the person's license, permit or privilege to drive upon the person and mark any state-issued license to operate a motor vehicle that is held by that person in a manner authorized by the Department of Licensing (DOL) (RCW 46.20.308).

514.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained.
- (b) The deputy can articulate that exigent circumstances exist.
- (c) Exigent circumstances exist and the person has been arrested for one of the following offenses (RCW 46.20.308(3); (RCW 79A.60.040):
 1. Felony DUI (RCW 46.61.502(6)).
 2. Felony physical control of a motor vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)).
 3. Vehicular homicide (RCW 46.61.520).
 4. Vehicular assault (RCW 46.61.522).
 5. DUI involving an accident in which there has been serious bodily injury to another person (RCW 46.20.308).
 6. Operating a vessel while under the influence of intoxication liquor, marijuana or any drug.

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol in the person's bloodstream. Exigency can be established by the

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existence of special facts, such as a lengthy delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

514.6.3 FORCED BLOOD SAMPLE

If a person indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the withdrawal is taken in a medically approved manner.
- (e) Supervise any use of force and ensure the forced withdrawal is recorded on audio and/or video when practicable.
 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.
- (f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances
 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.
- (g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.7 ARREST AND INVESTIGATION

514.7.1 WARRANTLESS ARREST

A deputy having probable cause to believe that a person is DUI may make a warrantless arrest of the person whether or not the deputy observed the violation first hand (RCW 10.31.100(3)(d)).

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514.7.2 DEPUTY RESPONSIBILITIES

If a person refuses to submit to a breath/blood test, or the results from the test render a prohibited alcohol or THC concentration in the person's breath or blood, the deputy shall (RCW 46.20.308(6)):

- (a) Serve the notice of intention to suspend, revoke, or deny the person's license or permit to drive.
- (b) Provide the person with a written notice of their right to a hearing before the DOL.
- (c) Mark the person's license or permit to drive in a manner authorized by the DOL.
- (d) Advise the person that their marked license or permit is a temporary license.
- (e) Immediately notify the DOL of the arrest and within 72 hours transmit to the DOL a sworn report that states:
 1. The deputy had reasonable grounds to believe the person was DUI.
 2. After having received the required statutory warnings, the person either refused to submit to a test of his/her blood or breath or submitted to a test that rendered a prohibited alcohol or THC concentration of the person's breath or blood.

514.7.3 STATUTORY WARNING

A deputy requesting that a person submit to a breath/blood test shall provide the person with the mandatory warnings pursuant to RCW 46.20.308(2).

514.7.4 TYPE OF CHEMICAL TESTING

Generally, breath/blood tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308(3)).

Blood tests may be administered (RCW 46.20.308):

- (a) When the person is incapable of providing a breath sample due to physical injury, physical incapacity or other physical limitation.
- (b) When the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance or other similar facility.
- (c) When the deputy has reasonable grounds to believe that the person is under the influence of a drug.
- (d) When otherwise provided for in this policy.

514.7.5 ADDITIONAL TESTING

A person submitting to a breath/blood test pursuant to this policy may have a qualified person of his/her own choosing administer one or more tests in addition to any administered at the direction of a deputy (RCW 46.61.506).

514.8 RECORDS SECTION RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.9 ADMINISTRATIVE HEARINGS

Any deputy who receive notice of required attendance to an administrative license suspension hearing should verify with the local DOL Licensing Office that Records has transmitted all case-related records to DOL for the hearing. These hearings are commonly

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done via phone. However, sometimes deputies may be asked to attend the hearing in person. Under either circumstance, deputies shall ensure they attend or are available via phone for the hearing.

514.10 TRAINING

The Training Sergeant should ensure that deputies participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed. The Training Sergeant shall track and ensure deputies receive their BAC Refresher training every 3 years.

Traffic Citations and Notices of Infraction (NOI)

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations and NOIs and the procedure for dismissal, correction, and voiding of traffic citations and NOIs and applies to both paper and SECTOR citations and NOIs. For the purpose of this policy, a citation or NOI is considered issued when the offender is given the offender copy or when the offender's copy is placed in the U.S. mail.

516.2 RESPONSIBILITIES

The clerical staff shall be responsible for the supply and accounting of all paper traffic citations and NOIs issued to employees of this department.

516.3 DISMISSAL OF TRAFFIC CITATIONS AND NOI

Employees of this department do not have the authority to dismiss a citation or NOI once it has been issued. Only the prosecutor or court has the authority to dismiss a citation or NOI that has been issued. Any request from a recipient to dismiss a citation or NOI shall be referred to the Traffic Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation or NOI, the Traffic Sergeant may request the Patrol Division Commander to recommend dismissal of the traffic citation or NOI. If approved, the citation or NOI will be forwarded to the prosecutor's office with a request for dismissal. All recipients of traffic citations or NOI whose request for the dismissal has been denied shall be referred to the prosecutor's office.

516.4 VOIDING TRAFFIC CITATIONS AND NOI

Voiding a traffic citation or NOI may occur when a traffic citation or NOI has not been completed or where it is completed, but not issued. All copies of the paper citation or NOI, or a printed copy of a SECTOR citation or NOI, shall be presented to a supervisor to approve the voiding. A citation or NOI may be voided after having been issued only if the offender copy can be recovered from the violator and a complete void slip is attached for filing. The citation or NOI and copies shall then be forwarded to the clerical staff for filing.

516.5 CORRECTION OF TRAFFIC CITATIONS AND NOI

When a traffic citation or NOI is issued and in need of correction, the deputy issuing the citation or NOI shall submit an informational police report outlining the circumstances of the enforcement action taken, the need for correction or amendment to the original enforcement action and the requested or recommend new charge. The report shall be submitted through the SPD Records Division with a request to be forwarded to the Prosecutor.

516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be filed with the SPD Records Division.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to training and from there they go to clerical staff for tracking.

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516.7 JUVENILE CITATIONS

Juveniles 16 years and older may be issued traffic infractions and citations in the normal manner. Juveniles under the age of 16 years require a referral through the Juvenile Court system for traffic infractions or criminal traffic offenses.

Disabled Vehicles

520.1 PURPOSE AND SCOPE

This department has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

520.2 DEPUTY RESPONSIBILITY

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. If available, the dispatcher should then create a call for a deputy to respond to as soon as practical.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Sheriff's Office personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

If the motorist calls for assistance and the department is unable to dispatch a deputy due to availability, the dispatcher should attempt to contact the motorist by phone. If they do not have a preference, the dispatcher can call a tow company off of the rotational list and advise the wrecker that it's by request, give the description of the vehicle and advise that there is not a deputy on scene.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The changing a vehicle tire and the use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

Abandoned Vehicles

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and impounding of unauthorized vehicles parked in violation of 24 hour time limitations.

524.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a roadway after being left unattended for 24 hours shall be marked and noted in the Spokane County Sheriff's Office Abandoned Vehicle log, maintained by the Combined Communication Center.

A notification sticker shall be applied in a visible location and a visible chalk mark should be placed on a tire and the roadway.

If a marked vehicle has been moved or the markings have been removed during a 24-hour investigation period, the vehicle shall be re-marked for another 24-hour period.

524.2.1 ABANDONED VEHICLE LOG

The Combined Communication Center shall be responsible for maintaining the abandoned vehicle log.

SCOPE parking enforcement and abandoned vehicle detail shall be responsible for the follow up investigation of all 24-hour unauthorized vehicle violations recorded in the abandoned vehicle log. If a marked vehicle has current Washington registration plates, the deputy or SCOPE volunteer (when tagging the vehicle) shall check the records to learn the identity of the last owner of record. A reasonable effort to contact the owner by telephone and provide notice that if the vehicle is not removed within twenty-four hours from the time the sticker was attached, the vehicle may be impounded and stored at the owner's expense (RCW 46.55.085(2)).

524.2.2 VEHICLE STORAGE

A deputy or SCOPE parking enforcement volunteer may impound any vehicle not removed 24 hours after marking (RCW 46.55.085(3)).

The person authorizing the impound of the vehicle shall complete a Uniform Washington State Tow/Impound and Inventory Record form. The completed form shall be submitted to the SPD Records Division by the end of their shift (RCW 46.55.075(2)).

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Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED

Deputies are authorized, within the scope of their employment, to recommend to the County Prosecutor or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the County Prosecutor's Office only for a legitimate law enforcement purpose.

600.3 CONSTITUTIONAL MATTERS

All employees of the Spokane County Sheriff's Office shall follow all United States and Washington State Constitutional requirements pertaining to custodial situations; including, but not limited to, search and seizure, access to counsel and interview and interrogation.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Deputies should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the deputy reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Deputies should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

Asset Forfeiture Policy

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

606.2 ASSET SEIZURE AUTHORITY

The seizure and forfeiture of any currency, real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the law provided the offense(s) involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain criminal violations is permitted (RCW 69.50.505).

Any deputy having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to law.

606.2.1 SPECIAL GUIDELINES APPLICABLE TO CONVEYANCES

Special guidelines apply regarding the forfeiture of conveyances (aircraft, vehicles and vessels) in order for it to be seized as a conveyance that has been used to facilitate narcotic activity. All conveyances are subject to seizure and forfeiture, except (RCW 69.50.505(1)(d)):

- When the conveyance is used by any person as a common carrier in the transaction of business as a common carrier, unless it appears that the owner or other person in charge of the conveyance is a consenting party or has knowledge of the narcotics violations.
- When violations have been committed or omitted without the owner's actual knowledge or consent.
- When the conveyance is used in the receipt of an amount of marijuana for which possession constitutes a misdemeanor under RCW 69.50.4014.
- When the conveyance is secured by a loan and the lender had no knowledge of, nor consented to, the act or omission.
- When the owner of a conveyance has been arrested for narcotics violations, the conveyance in which the person was arrested is not subject to forfeiture unless it is either seized or a court order has been issued for its seizure within 10 days of the owner's arrest.

606.3 ASSET FORFEITURE PROCEDURE

The Investigative Task Force (ITF) will be the guiding authority in the area of drug seizures. Before seizing any currency, vehicle, or personal property pursuant to RCW 69.50.505, a patrol deputy should contact a member of ITF. The following guidelines will be observed:

- (a) A member of the Investigative Task Force Unit will be responsible for the service to all persons the Notice of Seizure and Forfeiture document which includes seized property inventory, specific information reference time limits, claim procedures

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Asset Forfeiture Policy

and contact information to include the case detective. When someone has made notification other than the asset forfeiture detective, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the asset forfeiture detective in narcotics, for review.

- (b) If the seizure was conducted by a patrol deputy, copies of all reports and all applicable asset forfeiture paperwork must be forwarded to the asset forfeiture detective in ITF, for review.
- (c) Deputies will interview all persons involved concerning their possession of the seized assets. ITF detectives may conduct further criminal interviews as necessary. The interviewing deputy shall ensure that Miranda warnings are given and waivers obtained before interviewing any person who is in custody.
- (d) ITF detectives will determine all lien holders or persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation or notification.
- (e) The seizure of assets subject to forfeiture is a civil proceeding administered by the Spokane Sheriff's Office.

606.3.1 SEIZED PROPERTY

Property seized subject to forfeiture will be inventoried and booked into Property and Evidence Facility. The property will be checked into the Property and Evidence Facility through the BEAST System.

The property will be booked as evidence. A copy of the seizure letter will be provided to the Property and Evidence Facility as a reference to the property being stored in the facility.

606.3.2 SEIZED CURRENCY

Currency seized subject to forfeiture will be counted by the seizing deputy and a supervisor (supervisor needed if over \$1,000.00.) The currency will be placed in a 2 mil ziplock style bag (2 size choices) with the denomination of the currency and total amount of currency enclosed noted on the ziplock bag. The deputy counting and supervisor verifying money will initial and sign the ziplock bag when sealed. When practical, lay paper currency flat rather than rolled up and rubber banded.

Currency seized will be placed as evidence in the Property and Evidence Facility. The Evidence staff will remove the clear currency bag from the temporary storage locker, verify amount in accordance with policy, heat seal the clear bag and store it in the vault.

606.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The deputy seizing the vehicle shall notify the Investigation Support Unit supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

The Investigative Task Force supervisor or designee will track seized vehicles.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

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606.4 ASSET FORFEITURE LOG

A computerized inventory of all asset forfeiture cases shall be kept in the Investigative Task Force Unit. The inventory shall include the following:

- Case number.
- Date of seizure.
- Value.
- Status of the seizure.

Information maintained on the log will be provided to the Sheriff or authorized staff, as requested.

606.5 PROCEEDS FROM FORFEITURE

Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and financial audits by the Spokane County Auditor's Office.

Confidential Informants

608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Spokane County Sheriff's Office and the deputies using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

608.2 INFORMANT FILE SYSTEM

The Investigative Task Force Supervisor or his/her designee shall be responsible for maintaining informant files. All departmental units or deputies will immediately forward copies of informant files to ITF for tracking and de-conflicting purposes, any deviation must be approved by the Division Commander. A separate file shall be maintained on each confidential informant.

608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

- (a) Biographical Information.
- (b) Criminal history, if any.
- (c) Payment vouchers for evidence purchased by the informant as well as any money paid to the informant.
- (d) Investigator notes as pertains to the reliability or unreliability of the informant.
- (e) Name of investigator initiating use of the informant.
- (f) Signed informant agreement.
- (g) Wire recording consent signed by the informant.

The informant files shall be maintained in a secure area within the Investigative Task Force. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Sheriff, a Division Commander, the Investigative Task Force Supervisor and investigators with an operational need to know.

608.3 USE OF INFORMANTS

The Investigative Task Force Supervisor will review and verify the signing up of new informants. The deputy signing up the informant shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm. Informants will be positively identified before being signed up. All controlled substances buys and search warrants will be deconflicted through WSIN or HIDTA.

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Confidential Informants

608.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited. Juvenile informants 13-years and older need parent/guardian approval.

For purposes of this policy, a juvenile informant means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The deputy using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant. If the informant is working in consideration for criminal charges being dropped or reduced, coordination will be made with the Prosecutor's Office.

608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Spokane County Sheriff's Office shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Spokane County Sheriff's Office shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain deputy/informant integrity, the following must be adhered to:

- (a) Deputies shall not withhold the identity of an informant from their superiors.
- (b) Identities of informants shall otherwise be kept confidential.
- (c) Criminal activity by informants shall not be condoned.
- (d) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Spokane County Sheriff's Office, and that they shall not represent themselves as such.
- (e) The relationship between deputies and informants shall always be ethical and professional.
- (f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Investigative Task Force Supervisor.
- (g) Deputies shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional deputy or with prior approval of the Investigative Task Force Supervisor. When contacting informants of either sex for the purpose of making payments deputies shall arrange for the presence of another deputy, whenever possible.
- (h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

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Confidential Informants

608.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The level of risk taken by the informant.

608.5.2 PAYMENT PROCESS

Cash payments to informants are made through the Investigative Task Force Petty Cash Fund. A voucher form is completed that documents the payment. The voucher form is signed by the informant, the deputy making payment, a witnessing deputy, and an approving supervisor. A copy of the voucher form is kept in the informant's file. The original voucher form is submitted along with a Purchase Order Form for processing through the County system for reimbursement to the Petty Cash Fund.

608.5.3 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the IRS as income. If funds distributed exceed \$600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as other income and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

610.2 POLICY

This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES

Deputies should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating deputy should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION FORM

The Investigation Unit Lieutenant shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process and any related forms or reports should provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.

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- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An admonishment that the suspect's photograph may or may not be among those presented and that the witness is not obligated to make an identification.
- (f) An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (g) If applicable a signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

610.5 EYEWITNESS IDENTIFICATION

Deputies are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Deputies should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

610.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

If individual photographs are used the member presenting the photographs to a witness should do so sequentially (i.e., showing the witness one photograph at a time) and not simultaneously. The witness should view all photographs in the lineup.

If individual photographs are used the position of the suspect's photo and filler photos should be placed in a different random order for each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating deputy should contact the appropriate prosecuting attorney before proceeding.

The procedure employed and the results of any photographic lineup should be documented in the case report. A copy of the photograph lineup presented to the witness should be included in the case report. Witness comments of how certain he/she is of the identification or non-identification should also be quoted in the appropriate report.

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Eyewitness Identification

610.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the deputy should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, deputies should bring the witness to the location of the suspect, rather than bring the suspect to the witness.
- (e) A person should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.
- (g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies an individual as the perpetrator, deputies should not conduct any further field identifications with other witnesses for that suspect. In such instances deputies should document the contact information for any additional witnesses for follow up, if necessary.

610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

***Brady* Material Disclosure**

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called *Brady* information) to a prosecuting attorney.

612.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Spokane County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The Spokane County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Spokane County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files); the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

612.4 DISCLOSURE OF PERSONNEL INFORMATION

The Spokane County Sheriff's Office will comply with the disclosure mandate procedure provided by the relevant prosecuting authority. These procedures will be posted at [\\spokanecounty.org\countysheriff\Data\LexipolPolicy](https://spokanecounty.org/countysheriff/Data/LexipolPolicy).

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Brady Material Disclosure

612.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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Chapter 7 - Equipment

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Sheriff's Office employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff or his/her designee who will then forward the claim to Risk Management.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

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Department Owned and Personal Property

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

Employees will use the Sheriff's Office Property Damage Report when reporting damage to property. Some incidents may require additional forms (e.g., traffic collision report form, incident report, etc.).

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

700.5 SUPERVISORS RESPONSIBILITIES

Supervisors should survey damages, take photographs, and interview involved parties and witnesses.

700.6 NOTIFICATION TO RISK MANAGEMENT

It is mandatory that a copy of the following reports be forwarded to Risk Management:

- Collisions involving county vehicles.
- Damage to county property.

Risk Management will be notified via email, to the "on-call loss control specialist," of the following incidents:

- Damage to private property caused by our (the Sheriff's Office) actions.

The "on-call loss control specialist" will be notified telephonically of the following incidents:

- Collisions involving county employees using a personal vehicle for county business.
- Incidents occurring on county property resulting in property damage.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, issued by the Department, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY

The Spokane County Sheriff's Office allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee.

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Personal Communication Devices

702.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

702.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Carrying a personally owned PCD is a privilege, not a right.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) Employees shall promptly notify the Department in the event the PCD is lost or stolen.
- (d) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Sheriff or the authorized designee.

If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

702.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (b) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (c) Deputies are prohibited from taking pictures, video or making audio recording or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline.

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Personal Communication Devices

- (d) Employees will not access social networking sites for any purpose that is not official department business.

702.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty as such contact may be compensable.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (RCW 46.61.668).

Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the problem and where the vehicle is located. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- Roll barricade tape
- First aid kit
- Traffic cones
- Fire extinguisher
- Blanket
- Sharps container

704.3.2 DETECTIVE AND ADMINISTRATIVE VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- Emergency road flares
- First aid kit
- Fire extinguisher
- Personal Protective Equipment per § 1016 and § 1024

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles should not bring a patrol vehicle in for shift change or place a patrol vehicle on the lot with less than 3/4 tank of fuel. Vehicles should only be refueled at authorized locations.

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Vehicle Maintenance

704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

706.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure County-owned vehicles are used appropriately. For the purposes of this policy, County-owned includes any vehicle owned, leased or rented by the County.

706.2 POLICY

The Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments and other considerations.

706.3 USE OF VEHICLES

County-owned vehicles should be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate County-owned vehicles at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDD and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

706.3.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the MDD inputting the required information when going on duty. If the vehicle is not equipped with a working MDD, they shall notify Combined Communication Center for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. A thorough inspection of the vehicle interior shall be completed before and after transporting any prisoner. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

706.3.2 UNSCHEDULED USE OF VEHICLES

Members utilizing County-owned vehicles for any purpose other than their regularly assigned duties shall first notify the Unit Commander of the reason for use and a notation will be made on the shift roster if appropriate indicating the operator's name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives).

706.3.3 UNMARKED VEHICLES

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

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Vehicle Use

706.3.4 INDIVIDUALLY ASSIGNED VEHICLES

Personnel may be individually assigned vehicles based upon their assignment and upon approval of the Sheriff or designee. The following parameters will be complied with for take home vehicles:

(a) Employees that are actively on-call shall have the assigned vehicle readily available for immediate response. (b) Employees should arrange for off street parking of assigned vehicles, and all equipment within the vehicle will be appropriately secured when parked at the employee's residence. Vehicles should be parked within a building if the vehicle contains a department firearm, or Deputies shall ensure that all department firearms and ammunition are secured while in their homes in a manner that will keep them inaccessible to children and irresponsible adults. (c) The assignment of vehicles is at the discretion of the Sheriff. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

706.3.5 AUTHORIZED PASSENGERS

Employees may transport civilian passengers in a county vehicle. However, employees are obligated to respond to certain events and a civilian passenger may be stranded during this type of situation.

Citizen ride-along participants will fill out hold harmless forms before they ride with patrol officers or detectives during a regular duty assignment.

With prior approval from the Sheriff or designee, civilian passengers may be allowed to accompany employees in a county vehicle to meetings or training locations outside of the Spokane area. It is imperative that the employee receives prior approval, as there may be specific liability attached to the county and the employee, should the vehicle be involved in a collision. Employees attending a school or working out of town may take passengers to meal breaks, hotels and other reasonable locations associated with their assignment.

If an employee has a question about a specific use of a county vehicle, he/she should ask his/her supervisor.

706.3.6 PARKING

Except when responding to an emergency or other urgent official business requires otherwise, members driving County-owned vehicles should obey all parking regulations at all times.

County-owned vehicles should be parked in their assigned stalls. Members shall not park privately owned vehicles in any stall assigned to County-owned vehicles or in any other areas of the parking lot that are not designated as a parking space, unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.3.7 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting deputy shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

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Vehicle Use

Employees shall be responsible for inspecting the interior and exterior of the vehicle before taking the vehicle into service. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

706.3.8 PRIVACY

All County-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.4 ASSIGNED VEHICLE AGREEMENT

Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned vehicle by his/her Division Commander. The following parameters will be complied with for take home vehicles:

- (a) Employees that are actively on-call shall have the assigned vehicle readily available for immediate response.
- (b) Employees should arrange for off street parking of assigned vehicles, and all equipment within the vehicle will be appropriately secured when parked at the employee's residence. Vehicles should be parked within a building if the vehicle contains a department firearm.
- (c) If the vehicle is not secured inside a locked building, all firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence (see the Firearms and Qualification Policy regarding safe storage of firearms at home).
- (d) Vehicles shall be locked when not attended.

Members are cautioned that under federal and local tax rules, personal use of a County-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.

The assignment of vehicles is at the discretion of the Sheriff. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

706.5 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Spokane County Sheriff's Office, a deputy should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

Deputies may render public assistance (e.g., to a stranded motorist) when deemed prudent.

Deputies shall, at all times while driving a marked County-owned vehicle, be armed, appropriately attired and carry their department-issued identification. Deputies should also ensure that department radio communication capabilities are maintained to the extent feasible.

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Vehicle Use

706.6 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors should make periodic inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

706.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Division Commander.

706.7 VEHICLE DAMAGE, ABUSE AND MISUSE

When a County-owned vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see also the Traffic Collision Reporting Policy).

When a collision involves a County vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

The member involved in the collision shall complete the County's vehicle collision form. If the member is unable to complete the form, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Commander. An administrative investigation should be initiated to determine if there is any vehicle abuse or misuse.

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Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

The Crime Analysis Unit, consisting of information analysis, Intelligence analysis and information support functions, shall be responsible for the collection, collation, analysis (the proactive identification of specific crime trends and turning information into intelligence), dissemination and feedback evaluation of crime data. Crime analysis and intelligence information will be made available to operational management as an aid to developing tactics, strategies and long range plans for the agency. The unit, with the approval of the appropriate supervisor, shall also share specific portions of crime analysis and intelligence information with other authorized law enforcement entities. The Crime Analysis Unit will be the collection and analysis hub of Intelligence Led Policing for the agency.

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data (CAD)
- Records Management System (RMS)
- Jail Management System (JMS)
- Electronic Traffic Information Processing (eTRIP) data

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

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Crime Analysis

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

Communication Operations

802.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

802.1.1 FCC COMPLIANCE

Spokane County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

802.2 COMMUNICATION OPERATIONS

This department provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. This informational number is published and the line is staffed by trained personnel during regular business hours.

The ability of citizens to telephone quickly and easily for emergency service is critical. This department provides access to the 9-1-1 system for a single emergency telephone number. This department has two-way radio capability providing continuous communication between Combined Communication Center and deputies.

802.2.1 COMMUNICATIONS LOG (CAD)

It shall be the responsibility of Combined Communication Center to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Dispatchers shall attempt to elicit as much information as possible to enhance the safety of the deputy and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Incident number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Deputy safety information, i.e., weapons, suspects
- Identification of deputy(s) assigned as primary and backup
- Time of dispatch
- Time of the deputy's arrival
- Time of deputy's return to service
- Disposition, clearance code or status of reported incident

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Communication Operations

802.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow deputies know the status of deputies, their locations and the nature of cases.

802.3.1 DEPUTY IDENTIFICATION

Identification systems are based on factors such as beat assignment and deputy identification numbers. Employees should use the entire call sign when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

The Spokane Police Property section maintains property and official records for several law enforcement agencies including the Spokane County Sheriff's Office. The Property Manager shall maintain the Spokane Police Department Property Section Procedures Manual on a current basis to reflect the procedures being followed within the Property Section. Policies and procedures that apply to all employees of the Spokane Sheriff's Office are contained in this chapter.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping, found property and items confiscated for destruction.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes non-evidentiary property, which is in the custody of the law enforcement agency for temporary protection on behalf of the owner. These items include, but are not limited to:

- Property obtained by the Sheriff's office for safekeeping such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.
- Large packs/suitcases and bicycles not allowed to accompany a person processed into Detention Services.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Destroy - Includes non-evidentiary items of no monetary value taken into custody that law enforcement wishes to be destroyed. These items include, but are not limited to:

- Fireworks
- Excess alcohol
- Syringes
- Illegal weapons
- Drugs and/or drug paraphernalia

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated temporary property locker or storage room along with the Evidence Report form. Care shall be taken to maintain the chain of custody for all evidence.

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Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. A Property Release form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s). The Property Release form shall be submitted to the Records Division.

RCW 64.21.050 requires law enforcement officers who receive found property from a citizen to advise the finder of the procedure for claiming the property. Deputies will advise the finder to contact the Property and Evidence Facility for instruction on how to initiate the claim process.

Deputies will not convert to their own use, loan, or give away any item of property coming into their possession in the course of their official duties.

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee's end of shift unless otherwise approved by a supervisor. Employees booking property shall observe the Property and Evidence Facility SOP for data entry protocol and evidence booking guidelines. Wear gloves and other personal protective equipment when booking on property and evidence.

Employees are responsible for accurate and complete information as entered on the Evidence Report. Ownership of each item logged must be determined. If no owner is identified deputies have the option to select "no owner."

Property and evidence will be packaged in accordance with the Washington State Patrol Crime Laboratory Physical Evidence Handbook and the Property and Evidence Facility SOP.

All firearms, currency, and high value items must be secured in temporary storage lockers or handed directly to an Evidence Technician.

804.3.2 EXPLOSIVES

Under no circumstance will the Property and Evidence Facility store any kind of explosive.

Class C fireworks or firecrackers taken for evidence will be photographed and placed in the firework destroy locker. If it is necessary to retain the Class C fireworks or firecrackers, log items into BEAST and take directly to the explosives bunker. All other explosive devices, 50 caliber or larger ammunition, and gun powder will be logged into the BEAST system and taken directly to the explosives bunker.

Deputies who encounter an explosive device shall immediately notify their supervisor and/or Shift Commander. The Bomb Squad will be notified of the situations involving explosive devices and all such devices will be released to them for disposal.

804.3.3 EXCEPTIONAL HANDLING

Certain property items require a specific handling. The following items shall be processed in the described manner:

- (a) Firearms - All firearms will be treated as if they were loaded. Clearing barrels are available at the Property and Evidence Facility. All firearms submitted into the Property and Evidence Facility will be unloaded and rendered safe by the booking officer. Specific packaging requirements for firearms are outlined in detail in the Property and Evidence Facility SOP. Strict adherence to the packaging policy is

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required. All firearms must have the magazine removed and will have safety ties threaded through the barrel and magazine port if applicable. Do not remove bullets from any magazine. Upon entry into the Property and Evidence Facility, every firearm will be required to meet the safety and packaging criteria, if not, the booking officer will be contacted to return to the Property and Evidence Facility to fulfill the requirement. The only exception to this policy is a firearm that requires forensic analysis prior to removing the magazine and/or ammunition. These firearms will require specific identification that the firearm is loaded. These firearms will not be received or handled by evidence technicians. The firearm will remain in the temporary locker until a detective/sergeant removes the firearm from the facility.

- (b) Sexual assault kits - The evidence label can be placed directly on the hospital kit on an area that does not interfere with existing markings or identification. The kits are to be placed in the temporary refrigerator storage during nonbusiness hours. Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (c) Currency - All US currency shall be counted and the value entered into the BEAST system's value field. All currency \$50.00 or more is verified by two evidence technicians and heat sealed prior to storage. Large amounts of coin are not counted or verified. Foreign currency, counterfeit bills, and other banking documents, such as checks, money orders, bonds, etc will not be verified. Record the value of these documents in the item description.
- (d) Jewelry - High value jewelry must be itemized separately from other evidence items so that they can be stored in the vault.
- (e) Food - Perishable food items are not stored in the Property and Evidence Facility. These items should be photographed and released or logged in for destruction. The only exceptions are items related to homicides or other major crimes. The perishable items will be refrigerated or frozen.
- (f) Alcohol - With the exception of felony and ATF cases, alcohol should be photographed and put directly in the destroy bins. If a representative sample is required, retain one can or bottle for evidence. Sample packaging bottles are also available to empty contents of an open container. Seal all sample bottles.
- (g) Vehicles - Vehicles taken for evidence by Spokane Sheriff's Deputies must be entered into the BEAST system. The vehicle must have a label attached and a copy of the Evidence Report delivered to the Property and Evidence Facility.
- (h) Hit-and-run - Hit and run non injury/unattended vehicle parts will be held for 60 days. City or County traffic units must request the vehicle parts be held longer if investigation or court is pending.
- (i) License plates - License plates found not to be stolen or connected with a known crime, should be logged in as safekeeping and the owner identified. Canceled plates are to be photo/photocopied and put in destroy bin. Do not log canceled plates unless needed as evidence
- (j) Pressurized gas - Compressed gas has been identified as hazardous, and dangerous to store within the Property and Evidence Facility. All compressed canisters should be photographed then taken directly to Oxarc located at 4003 E Broadway, Spokane, WA 99202. The exception will be fire extinguishers, beer kegs, and small canisters of pepper spray, CO2 pistol canisters, and aerosol cans.
- (k) Wet items - Property and evidence items that are wet or damp must be temporary located in the drying room to air dry prior to packaging. The officer will log items into Evidence to initiate chain of custody, generate reports & packaging labels. A drying room card shall be filled out by the booking officer and used in the notification process.

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Assigned Detectives or unit Sergeants are sent the removal notification after items are dry to remove and package the items.

- (l) Electronic media - All electronic media of evidentiary value including but not limited to video cassette tapes, memory cards or devices, computer disks, cell phones, etc., shall be stored in the Property and Evidence Facility in its original form prior to making any duplicates/copies. All subsequent duplicate copies of the data shall be coordinated by the case manager. The exception to this is digital photography recorded by the deputy(see policy 814.5.2, Computer and Digital Evidence).
- (m) Biohazards - Blood/Urine/Perishable Samples - Styrofoam packaging is available for glass vial(s) if not provided by the hospital or WSP. The evidence label can be placed directly on the Styrofoam vial packaging. All other perishable items shall be packaged in a plastic resealable bag and then put into a brown paper bag. All bodily fluids will have a biohazard label affixed to the packaging. All perishable items are to be placed in the temporary refrigerator storage during non-business hours and directly on the check in counter during business hours.
- (n) County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.3.4 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the Department is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the assigned deputy, detective or the property and evidence technician to ensure that the following notifications are completed.

The owner of the property will be notified of the seizure and intended forfeiture of the seized property within 15 days following the seizure. Notification includes any person having any known right or legal interest in the seized property, including any community property interest. The notice of the seizure may be made by any method authorized by law (RCW 10.105.010).

The notification will include the legal reason for the seizure and information regarding how to appeal the pending forfeiture.

Notification procedures for property seized under Asset Forfeiture (RCW 69.50.505) are detailed in § 606.3.

804.4 PACKAGING OF PROPERTY

Booking deputies shall package all property in a suitable container available for its size. Certain items require special packaging consideration and require specific packaging:

- (a) Narcotics and dangerous drugs
- (b) Firearms and ammunition
- (c) Fireworks
- (d) Glass
- (e) Large bulk items

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804.4.1 PACKAGING CONTAINER

Specific packaging products are available to package all property and evidence items. Follow the Property and Evidence Facility and WSP packaging guidelines for required containers, bags, and tags.

Property items that require latent prints must have a Forensic Request form submitted with the items. Large and/or heavy items submitted with a Forensic Request form will be put directly into the forensic print room located within the Property and Evidence Facility. A door marked "forensic print room" is accessible from the bike room.

804.4.2 PACKAGING NARCOTICS

The deputy seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated temporary locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the deputy's report.

The deputy seizing narcotics and dangerous drugs shall ensure that it is properly logged, packaged, tagged, and placed in the designated temporary locker. All narcotics, over-the-counter medications, and dangerous drugs are to be packaged in drug envelopes and are not to be packaged with other property.

All drug items, including over the counter, shall be packaged in a plastic resealable bag and then put into a drug envelope. Attach a drug envelope with label on larger drug items packaged in a brown or burlap bag. Any syringe that is submitted into the facility will be packaged in a protective syringe keeper, then placed in a drug envelope. The package and Evidence Report must be marked with "bio-hazard" notation. DOA prescription medications do not need to be packaged in plastic resealable bag. Itemize the medications and the specific quantity of pills in the incident report. Only log ONE item onto the Evidence Report, for example: the item description would state "Various Prescription Medications" quantity field 12. DOA prescription medications are logged in under the safekeeping classification and disposition is determined by the County Medical Examiner.

Marijuana grow operations: Leave pots and soil at the scene. Cut and package plants in brown paper or burlap bags. Do not package plant material in plastic. Cut a representative sample and put in a paper bag/drug envelope for analysis by the WSP Crime Lab. Remove glass bulbs from reflective shields and package individually. Disassemble reflective shields. Cut power cords from shields, ballast, and timers.

The booking officer shall initial all tape seals in the manner prescribed by the WSP packaging guidelines.

804.5 RECORDING OF PROPERTY

The evidence technician will receive and maintain the chain of custody of each item submitted into the Property and Evidence Facility. The Evidence Report form is used to track status, location, and disposition of all property and evidence items. Electronic signatures are captured anytime the item is removed from the storage location for viewing and/or any time the items are removed from the facility.

804.6 PROPERTY CONTROL

Each time the evidence technician receives property or releases property to another person, he/she shall enter this information in the chain of custody section of the Evidence report.

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Law enforcement requests for property and evidence items shall be submitted at least one day prior to the date needed. The request can be made through the Bar-coded Evidence Analysis Statistical Tracking ~ BEAST ~ system, email, or by telephone. All property and evidence items, other than items released to the owner, must be signed for by a law enforcement officer. Any request by a prosecutor to view felony evidence must be confirmed and accompanied by the case detective. Prosecutors may view misdemeanor evidence in the Property and Evidence Facility without accompaniment. All other viewing requests shall be approved and accompanied by a case manager.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry shall be made in the Evidence Report form to document chain of custody.

The case detective or unit sergeant shall authorize the disposition or release of all evidence and property. Detective rank and higher is required for release on all felony cases. City or County prosecutors can authorize disposal of items related to assigned misdemeanor cases. All firearms require release instructions from the respective unit's detectives or sergeants. The safekeeping classification implies authorization to release.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property with an entry made in the Evidence Report form.

The WSP Lab forms will be transported with the property to the WSP laboratory. Upon delivering the item(s), the transporting employee will record the delivery time on the WSP form. The original copy of the WSP Lab form will remain with the evidence and a copy will be retained in the case file.

804.6.3 STATUS OF PROPERTY

Evidence technicians will make the appropriate entry to document the chain of custody for each property/evidence item received. Temporary release of property to officers for investigative purposes, or for court, shall be entered in the Evidence Report form, stating the date, time and to whom released.

The property and evidence technician shall obtain the signature of the person to whom property is released. Any officer or authorized employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

Evidence technicians will make the appropriate entry to document the chain of custody in the Evidence Report form, indicating the date and time that the property was received back into the facility.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The case detective or their supervisors are authorized to release property items, Prosecutors can initiate the release process by sending a Case Clearing Disposition form to the assigned detective for signature. That disposition then is distributed to the Property and Evidence Facility for compliance. Court orders can direct the Property and Evidence Facility to release items as detailed in the order.

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804.6.5 STATUTORY RELEASE OF PROPERTY

Whenever personal property comes into the possession of the Sheriff's Office in connection with official performance of deputies duties and the property remains unclaimed or not taken away for a period of sixty (60) days from date of written notice to the property owner, if known, which notice shall inform the owner of the disposition which may be made of the property under this section and the time that the owner has to claim the property and in all other cases for a period of sixty (60) days from the time the property came into the possession of the Sheriff's Office, unless the property has been held as evidence in any court, then, in that event, after sixty (60) days from date when the case has been finally disposed of and the property released as evidence by order of the court, the Department may (RCW 63.32.010 and 63.40.010):

- (a) At any time thereafter sell the property at public auction to the highest and best bidder for cash in the manner provided by RCW 63.32 and 63.40 or
- (b) Retain the property for the use of the Sheriff's Office subject to giving notice in the manner prescribed in RCW 63.32.020 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the Sheriff, the property consists of firearms or other items specifically usable in law enforcement work, provided that at the end of each calendar year during which there has been such a retention, the Sheriff's Office shall provide a list of such retained items and an estimation of each item's replacement value. At the end of the one year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2) or
- (c) Destroy an item of personal property at the discretion of the Chief of Police or Sheriff if he/she determines that the following circumstances have occurred:
 1. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property and
 2. The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section and
 3. The Chief of Police or Sheriff has determined that the item is unsafe and unable to be made safe for use by any member of the general public.

If the item is retained for law enforcement purposes as in (b) above, the item may be removed from the control of the Property and Evidence Facility for law enforcement purposes. Property shall be requested by and may be released to authorized employees of the:

- Spokane Police Department
- Spokane County Sheriff's Office
- Regional Drug Task Force
- Regional and affiliated law enforcement agencies

Statutory regulations require diligent tracking and auditing of any item removed from the Property and Evidence Facility, therefore the type of items that are eligible for removal and retention are very limited. Only items that are of such a unique nature that they cannot be otherwise obtained through normal purchase procedures will be considered for removal and retention. No other items will be authorized for removal from the Property/Evidence Facility.

The condition, inventory, and quantity of property removed for law enforcement use is the responsibility of the employee and/or agency who has custody of the property. Internal Affairs will perform an annual audit on the retained property. To retain property for law

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enforcement purposes, a Law Enforcement Property Retention Request form must be submitted to the employee's chain of command for approval. Any item that an employee and/or agency wish to retain must strictly meet the criteria listed above for approval to be granted. If the item is approved, the Property and Evidence Facility will release the property to the requesting unit ensuring compliance with the requirements in RCW 63.32.020 or 63.40.020. The property will be added to the retained property inventory. An inventory will be maintained and available for public inspection. The Property and Evidence Facility supervisor will create a current inventory list no later than January 31 of every year, and forward copies to the following:

- Police Internal Affairs
- Mayor or City Council
- County Administrative Officer

If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in RCW 63.32.020 and 63.40.020, may be offered by the Chief of Police or Sheriff to bona fide dealers, in trade for law enforcement equipment, which equipment shall be treated as retained property for purpose of annual listing requirements of the RCW or if the item is not unsafe or illegal to possess or sell, but has been, or may be used, in the judgment of the Chief of Police or Sheriff, in a manner that is illegal, such item may be destroyed (RCW 63.32.010 and 63.40.010).

A property and evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original Evidence Report form. After release of all property entered on the Evidence Report form, the form shall be forwarded to the Records Division for filing with the case. If some items of property have not been released the Evidence Report form will remain with the Property and Evidence Facility. Upon release, the proper entry shall be documented in the Evidence Report form.

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held at the Property and Evidence Facility. An evidence technician will refer to the detective/sergeant, as applicable, to confirm and establish ownership. Such property shall not be released until one party has obtained a valid court order or law enforcement authorization to settle the dispute. Whenever there are claims for items that have been disposed of, citizens will be referred to City or County Risk Management departments to settle any disputes.

804.6.7 DESTRUCTION OF NARCOTICS AND DANGEROUS DRUGS

Spokane Police Department Internal Affairs will conduct and witness narcotic and firearm destruction.

804.6.8 PROPERTY DEPICTING A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT

No property or material that depicts a minor engaged in sexually explicit conduct shall be copied, photographed or duplicated except by the Digital Forensic Specialist as part of an investigation (RCW 9A.68A.110(4)). Such material shall remain under the control of this department or the court and shall be made reasonably available for inspection by the parties to a criminal proceeding involving the material. The defendant may only view these materials while in the presence of his/her attorney or an individual appointed by the court

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either at this department or a neutral facility as approved by the court (RCW 9.68.001). Any request for inspecting such material should be brought to the attention of the assigned investigator or an investigation supervisor.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property and evidence technician may send a Disposition or Status form on all property that has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

804.8 INSPECTIONS OF THE EVIDENCE ROOM

Spokane Police Department Internal Affairs will conduct annual spot inspections.

- (a) On a monthly basis, the supervisor or designated safety officer of the Property and Evidence Facility shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff.
- (c) An annual audit of drug, currency, and firearm items stored in the Property and Evidence Facility shall be conducted and documented by the Property and Evidence Facility supervisor. A perpetual inventory of all other stored items will be conducted and documented. Inventory reports shall be available for review by the Sheriff.
- (d) Whenever a change is made in personnel who have access to the Property and Evidence Facility, an inventory of all evidence/property shall be made by an individual(s) not associated to the facility or function to ensure that records are correct and all evidence property is accounted for.

804.8.1 PROPERTY AND EVIDENCE OFFICE SECURITY

Access to the Spokane Police Department Property and Evidence Facility is restricted to authorized personnel only. It shall be the responsibility of the property and evidence technician to control all access to the Property and Evidence Facility.

The property and evidence technician shall maintain a log of all persons entering the secured area of the Property and Evidence Facility. Personnel, other than those assigned to the Property and Evidence Facility, who have legitimate business in the secured area will be required to record their name, the date, time and purpose for entry.

804.9 INMATE PROPERTY

The receipt, storage, returns and disposal of inmate personal property, to include juveniles, is governed by Spokane County Code Chapter 1.32, WAC Chapter 137-36, and RCW 63.42. All personal property shall be taken from the inmates upon their being booked and shall be retained in the custody of Juvenile Detention staff or Detention Services staff.

- (a) Personal property exceptions:
 1. Weapons and items illegal to possess will be treated as evidence or safekeeping but not as personal property.

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2. Items larger than can fit in a 24" X 16" X 10" box (roughly the size of carry on luggage approved by the airlines) should be booked into property for safekeeping.

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806.1 PURPOSE AND SCOPE

The Spokane Police Records Division maintains the official records for several law enforcement agencies including the Spokane County Sheriff's Office. The Records Manager shall maintain the Spokane Police Department Records Division Procedures Manual on a current basis to reflect the procedures being followed within the Records Division. Policies and procedures that apply to all employees of the Spokane Sheriff's Office are contained in this chapter.

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Division by Records Division personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 09-00001 would be the first new case beginning January 1, 2009.

806.1.2 UNIFORM CRIME REPORTING

The Spokane County Sheriff's Office participates in Uniform Crime Reporting Program (UCR) and/or the National Incident Based Reporting System (NIBRS). The Administrative Manager is responsible for ensuring that UCR/NIBRS reports are provided to WASPC on a regular basis.

806.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Section accessible only to authorized Records Section personnel.

Spokane County Sheriff's Office employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

806.2.1 REQUESTING ORIGINAL REPORTS

Original reports that have been accepted into the Records Division shall not be removed, except upon the authority of the Spokane Chief of Police. All original reports removed from the Records Division shall be recorded and a record maintained by the Records Manager.

806.2.2 RECORDS CONCERNING JUVENILES

The Records Manager shall be responsible for ensuring that the following files, when involving juveniles, are distinguishable from adult files:

- Photos
- Fingerprints
- Booking information

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- Any report in which a juvenile is named as a suspect in a crime.

Upon receiving notification from the Office of the Governor that a specific juvenile has received a full and unconditional pardon, the Records Manager shall ensure that all records pertaining to that juvenile are destroyed within 30 days (RCW 13.50.050).

806.3 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)

A Central Computerized Enforcement Service System (ACCESS) is a computer controlled communications system located at the WSP Information Technology Division. ACCESS provides service to all the state and national information systems. The Chief of the WSP is vested with the authority to administer all operating phases of ACCESS and WACIC. There are specific requirements for agencies accessing the information in the group of computers systems in ACCESS.

806.3.1 ACCESS USE REQUIREMENTS

No member of the Spokane County Sheriff's Office shall operate any of the ACCESS systems without first complying with the training requirements as they are listed in the [ACCESS Manual, Chapter 1, Section 5, Item D](#).

806.3.2 ACCESS REQUIREMENTS

- (a) As an authorized ACCESS user, the Spokane County Sheriff's Office complies with all ACCESS requirements for entry, verification, receipt and canceling of information ([ACCESS Manual, Chapter 4](#)).
- (b) The Records Manger shall ensure that there is 24-hour access to agency warrants.
- (c) It is the responsibility of the Records Manager to ensure that all ACCESS computer and network security requirements are in place and operational ([ACCESS Manual, Chapter 1, Section 2, Item A](#)).

806.4 OFFICER SAFETY ADVISORIES

A person of interest database is maintained by the Washington Crime Information Center (WACIC) and is intended to provide protection to police, corrections, or other criminal justice officers. Individuals who represent a potential threat to deputies may be entered into WACIC when they have previously exhibited assaultive or threatening behavior during contacts by law enforcement.

To qualify for entry, one or more of the following conditions must be met (WACIC Manual Chapter 19-1 revised October 2012 version):

- (a) If there is any physical assault or attempted assault when contacted by law enforcement or corrections personnel they can be entered into this file.
 1. Charging information should be included, if any is available.
- (b) If there are threats of physical violence toward a criminal justice employee or his/her family they can be entered into this file. Discretion should be used with resisting arrest unless assaultive or combative behavior is demonstrated.
- (c) If there are specific threats to a department or multiple department personnel they can be entered into this file.
- (d) If there are threats to criminal justice personnel from other states they might qualify to be entered into this file.

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1. If a criminal justice employee relocates from another state to Washington and has reasonable concern that a person of interest may follow, the information of the threat or assault that occurred in the other state can be entered. This will require a new SCSO incident number to be generated and an incident report be written to document the threat or assault that occurred in the other state. Other state incident reports or documentation should also be submitted as supporting documentation.
- (e) If there are threats of suicide by cop they can be entered into this file. Information such as a mental health report will be accepted to be entered into the file.

Deputies who encounter a person who he/she believes is a threat to officer safety should submit a report detailing the circumstances of the contact and nature of the threat for entry as an Officer Safety Advisory.

All Officer Safety Advisories are subject to approval by the Sheriff or his/her designee.

Once approved, the Records Division is responsible for making the appropriate entry into WACIC.

Whenever an Officer Safety Advisory is initiated by the Spokane County Sheriff's Office, it is the responsibility of the Records Manager to ensure that a copy of the supporting documentation and the authorized statement signed by the Sheriff are maintained in a separate file. Supporting documentation may include the crime report, deputy's supplemental report, mental health report or other similar documentation.

806.4.1 INVOLVED PERSONNEL RESPONSIBILITY

If during the course of performing his/her duties, one or more of the entry qualification are met and the affected employee wishes to log the person of interest in the WACIC Officer Safety Advisory he/she will make the following notification and complete the appropriate paperwork.

- (a) Employee will notify his/her supervisor about his/her wish to include the person of interest in the WACIC Officer Safety Advisory file.
- (b) Complete a signed statement of circumstances (incident report or supplemental report) from the person(s) involved.
 1. The report can be submitted by an investigator assigned to the case if the threatened employee is a patrol deputy, corrections deputy or other employee. or a Mental Health report containing a statement of circumstances can be submitted.
- (c) Complete the Spokane County Sheriff's Office Assaultive Behavior Subject Officer Safety Advisory File form and forward it to his/her immediate supervisor.

806.4.2 SUPERVISORS RESPONSIBILITY

A supervisor becoming aware of his/her employee's desire to enter a person of interest into the WACIC Officer Safety Advisory file will:

- (a) Review the incident report or other supporting documentation to see if the circumstances fall under the criteria to have the person of interest being entered into the Officer Safety Advisory file.

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- (b) Notify the Shift Commander about the employee's wish to include the person of interest in the WACIC Officer Safety Advisory file and forward any documentation including the signed Spokane County Sheriff's Office Assaultive Behavior Subject Officer Safety Advisory File form.

806.4.3 SHIFT COMMANDER RESPONSIBILITY

A shift commander becoming aware of his/her employee's desire to enter a person of interest into the WACIC Officer Safety Advisory file will review the supporting documentation. If the circumstances warrant the person of interest being entered into the file then the Sheriff or his/her designee will be contacted to forward the appropriate form to Records Division for data entry.

806.4.4 SHERIFF OR HIS/HER DESIGNEE RESPONSIBILITY

The Sheriff or his/her designee has ultimate say whether a person of interest gets entered into the WACIC Officer Safety Advisory file. After reviewing the supporting documentation for entry and determining that a person of interest does need to be entered into the system the Sheriff or his/her designee will authorize/sign the Spokane County Sheriff's Office Assaultive Behavior Subject Officer Safety Advisory File form. This form is submitted to a records supervisor or the records manager to be entered into the system.

806.4.5 RETENTION AND VALIDATION FOR PERSON OF INTEREST FILE

All records entered in the WACIC Officer Safety Advisory file will remain on file until the entering agency takes action to remove them. WACIC does an annual audit of person of interest Officer Safety Advisory files in January. Records not validated within 60 days will be purged by WACIC.

- (a) WACIC's point of contact for the Sheriff's Office is the Records Manager. The Records Manager notifies the Investigative Division Captain about pending file validations.
- (b) The Investigative Division Captain or his/her designee reviews active files and takes the appropriate steps to revalidate or cancel the Officer Safety Advisory.
 - 1. Submit revalidation form or collect and submit new documentation.

Restoration of Firearm Serial Numbers

808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

808.2 PROCEDURE

Any firearm coming into the possession of the Spokane County Sheriff's Office as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

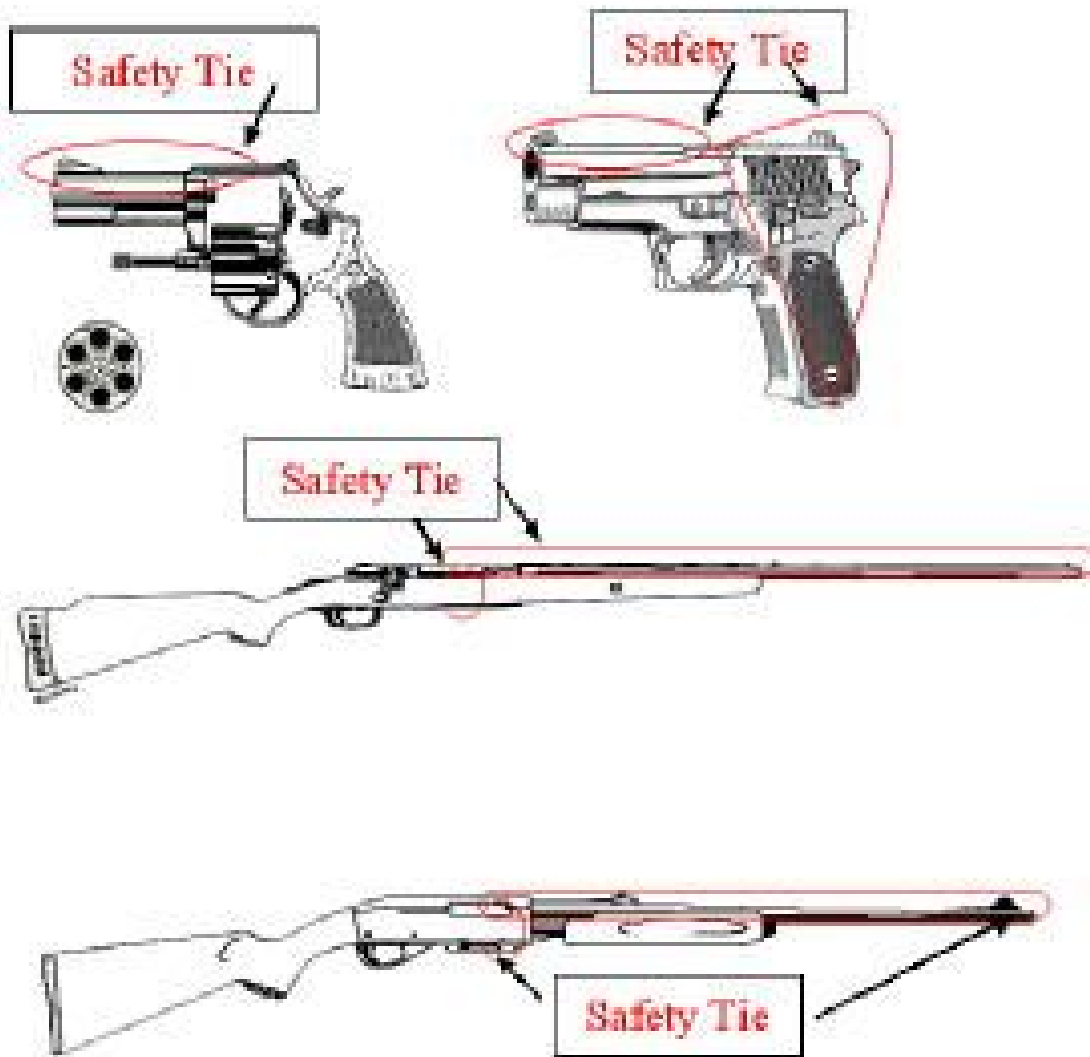
808.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always treat the firearm as if it were loaded and keep the muzzle pointed in a safe direction. Unload and clear the firearm. Two firearm clearing barrels are located at the Property and Evidence Facility. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tabular magazine) as well as the chamber contents. Packaging requirements for firearms are detailed in the diagrams below. Strict adherence to the packaging policy is required. All firearms will have safety ties threaded through the barrel as shown and magazine port if applicable.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

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808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the Evidence Report form that serial numbers have been removed or obliterated.

808.2.3 DEPUTY RESPONSIBILITY

The property and evidence technician receiving a firearm when the serial numbers have been removed or obliterated shall update the Evidence Report form when the firearm is removed or returned for processing by the WSP Crime Lab.

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Restoration of Firearm Serial Numbers

808.2.4 DOCUMENTATION

Case reports and the Evidence Report form are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

These reports must include a record of the manner in which and/or from whom the firearm was received.

808.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the Crime lab, the property and evidence technician will enter the data in the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.

808.3 OTHER CONSIDERATIONS

The WSP Crime Lab is responsible for submission of exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, and may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.

Records Release and Security

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with the Public Records Act (RCW 42.56, et seq.).

810.2 DEFINITIONS

Privacy Violation (right of privacy, right to privacy, personal privacy) - An invasion or violation of privacy occurs only if disclosure of information about the person would be highly offensive to a reasonable person, and is not of legitimate concern to the public. The rights to privacy in certain public records do not create any right of privacy beyond those rights that are specified by law as express exemptions from the public's right to inspect, examine, or copy public records (RCW 42.56.050).

Public Record - Includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics (RCW 42.56.010(2)).

Writing - Means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated (RCW 42.56.010(3)).

810.3 PUBLIC RECORDS OFFICER

The Records Manager is designated as the Public Records Officer and is responsible as the point of contact for members of the public when requesting disclosure of public records and in overseeing the agency's compliance with the public records disclosure requirements.

The Records Manager will post his/her name, role as the Public Records Officer, and contact information in the facility conspicuously visible to the public, and on the department Internet site, and upon appropriate publications so as to provide easy access to members of the public for directing requests for disclosure of public records (RCW 42.56.580).

810.4 PUBLIC REQUESTS FOR RECORDS

The Public Records Act provides that public records created by a public agency shall be subject to inspection and copying pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute (RCW 42.56.070(1)).

The Records Manager shall publish, maintain, and make available to the public, a current list containing every law that exempts or prohibits disclosure of specific information or records of the department (RCW 42.56.070(2)).

The Records Section shall also establish, maintain, and make available for public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for

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providing photocopies of public records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any (RCW 42.56.070(7) and (8)).

Public requests for records of this Department shall be processed as follows (RCW 42.56.070):

810.4.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a request for each record sought and paying any associated fees. The processing of requests is subject to the following limitations:

- (a) The employee processing the request shall determine if the requested record is available and/or subject to any exemption from disclosure. Processing of such requests shall be in accordance with this policy and RCW 42.56.520.
- (b) The Department shall not be required to create records that do not otherwise exist in order to accommodate any request under the Public Records Act.

810.4.2 PROMPT RESPONSE REQUIRED

Responses to requests for public records shall be made promptly. Within five business days of receiving a public record request, the Department must respond by either (RCW 42.56.520):

- (a) Providing the record.
- (b) Acknowledging receipt of the request and providing a reasonable estimate of the time required to respond to the request.
- (c) Denying the public record request.
- (d) Providing an internet address and link on the agency's web site to the specific records requested, except that if the requester notifies the agency that he/she cannot access the records through the internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, a request to clarify what information the requestor is seeking may be made. If the requestor fails to clarify the request, the Department need not respond to it.

Denials of requests must be accompanied by a written statement of the specific reasons for denial. The Records Manager will establish mechanisms for the most prompt possible review of decisions denying inspection.

810.5 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

810.5.1 GENERAL CASE AND CRIME REPORTS

Reports containing any of the items listed below will not be released (RCW 42.56.240):

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- (a) **Intelligence and investigative records** - Specific intelligence information and specific investigative records, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.
- (b) **Victim and witness information** - Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints, if at the time a complaint is filed the complainant, victim or witness indicated a desire for disclosure or nondisclosure.
- (c) **Sex offenses** - Investigative reports pertaining to sex offenses under RCW 9A.44 et seq., or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval, pursuant to RCW 40.14.070(2)(b).
- (d) **License applications** - Copies of license applications, including concealed pistol license applications or information on the applications may only be released to law enforcement or corrections agencies under RCW 9.41.070.
- (e) **Child sexual assault victims** - Information revealing the identity of child victims of sexual assault who are under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.
- (f) **Personal information** - Personal information in files maintained for employees, to the extent that disclosure would violate their right to privacy. This includes credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law (RCW 42.56.230).
- (g) **Alarm System Program/Vacation Crime Watch Program Participants** - Personal identifying information collected by the Department for participation in an alarm system program and/or vacation crime watch program.

810.5.2 ARREST REPORTS

Arrest reports shall not be disseminated pursuant to the Criminal Records Privacy Act except to those agencies and under those circumstances necessary for a purpose in the administration of criminal justice as governed by RCW 10.97 et seq.

A person who is the subject of the record who requests information must comply with requirements of RCW 10.97.080.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the County Prosecutor, Prosecuting Attorney or the courts.

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals set forth in Policy Manual § 812.

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810.5.3 TRAFFIC COLLISION REPORTS

Traffic collision reports (and related supplemental reports) are for official use only and may only be released without redaction pursuant to (RCW 46.52.080) to the following:

- The Washington State Patrol
- Department of Motor Vehicles
- Other Law Enforcement Agencies
- As authorized by law or valid court order

Upon request, parties having proper interest or involvement in the specific reported collision shall receive all of the factual data submitted in the report with the exception of the reports signed by the drivers involved in the accident. Such parties include the following (RCW 46.52.083):

- Involved Drivers
- Legal guardians of the drivers
- Parent of a minor driver
- Injured parties
- Owners of damaged property
- Authorized attorney or insurance carrier

Requests for traffic collision reports from individuals or entities other than those listed above are entitled to receive reports in redacted format.

810.5.4 PERSONNEL RECORDS

The following employment and licensing information is exempt from public inspection and copying (RCW 42.56.250):

- (a) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
 - (b) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
 - (c) The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.
 - (d) Information that identifies a person who, while a Department employee:
 1. Seeks advice, under an informal process established by the employing agency, in order to ascertain his/her rights in connection with a possible unfair practice under RCW 49.60 et seq. against the person.
 2. Requests his/her identity or any identifying information not be disclosed.
 - (e) Investigative records compiled while conducting an active and ongoing investigation of a possible unfair practice under RCW 49.60 et seq. or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.
-

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- (f) Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth.
 - 1. News media does not include any person or organization of persons in the custody of a criminal justice agency.
 - 2. Any such request by the media for the date of birth of an employee should be forwarded to the Administration Supervisor and the affected employee should be promptly advised of the request.
 - 3. A court may issue an injunction, at the request of the Department or the employee, if it finds that such examination would clearly not be in the public interest and would substantially and irreparably damage the employee or would substantially and irreparably damage vital government functions.

810.6 OTHER RECORDS

This Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for non-disclosure.

Any record which was created exclusively in anticipation of potential litigation involving this Department shall not be subject to public disclosure.

Any other record not addressed in this policy shall not be subject to release where such record is exempted or prohibited from disclosure pursuant to state or federal law, including, but not limited to:

- (a) Drafts, Notes Recommendations, Memorandums: Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action (RCW 42.56.280).
- (b) Department Party to Controversy: Records that are relevant to a controversy to which the Department is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).
- (c) Security: Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of (RCW 42.56.420):
 - 1. Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans.
 - 2. Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.
- (d) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or

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state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety, including:

1. Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.
2. Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.
3. The security section of transportation system safety and security program plans required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180.

810.6.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

810.7 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum (SDT) should be promptly provided to the Office Of Professional Standards for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the Court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.8 RELEASED RECORDS TO BE DOCUMENTED

Each record request will be retained with the report, documenting the release of the record. This form will indicate the individual who released, to whom the record was released and the date the record was released.

Criminal History Record Information (CHRI)

812.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

812.2 AUTHORITY

This policy is established pursuant to RCW 10.97 et seq., the Criminal Records Privacy Act, which delineates who has access to CHRI, and establishes penalties for the improper use of CHRI.

812.3 DEFINITIONS

Definitions related to this policy include:

Criminal History Record Information (CHRI) - Manual/automated rap sheets and abstracts, rap sheet crime summaries, criminal history transcripts, FBI rap sheets, and any SCSO documents containing a list of prior arrests, descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittals by reason of insanity, dismissals based on lack of competency, sentences, correctional supervision, and release (RCW 10.97.030(1)).

CHRI includes information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender.

CHRI does not include posters, announcements, or lists for identifying or apprehending fugitives or wanted persons; original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis; records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days; records of any traffic offenses as maintained by the department of licensing for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers' or other operators' licenses and pursuant to RCW 46.52.130; intelligence, analytical, or investigative reports and files.

Criminal Justice Agency - Means a court or a government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice (RCW 10.97.030(5)).

Administration of Criminal Justice - Means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term also includes criminal identification activities and the collection, storage, dissemination of criminal history record information, and the compensation of victims of crime (RCW 10.97.030(6)).

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Dissemination - Means disclosing criminal history record information or disclosing the absence of criminal history record information to any person or agency outside the agency possessing the information, subject to the following exceptions (RCW 10.97.030(8)):

- (a) When criminal justice agencies jointly participate in the maintenance of a single record keeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency is not a dissemination.
- (b) The furnishing of information by any criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge, is not a dissemination.
- (c) The reporting of an event to a record keeping agency for the purpose of maintaining the record is not dissemination.

812.4 AUTHORIZED RECIPIENTS OF CHRI

CHRI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

CHRI shall only be disseminated to those entities authorized for dissemination that are listed under [RCW 10.97.050](#).

812.4.1 CRIMINAL RECORD SECURITY OFFICER

The Public Records Officer is the designated Criminal Record Security Officer for the Spokane County Sheriff's Office. This person is responsible for ensuring compliance with this procedure and with applicable records security regulations, procedures and requirements imposed by federal and state law. The Criminal Record Security Officer should be familiar with the U.S. Department of Justice's Criminal Justice Information Services (CJIS) Security Policy, state level database security policies and any related requirements. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CHRI.

812.4.2 RELEASE OF CHRI

Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Criminal Records Security Officer.
- (b) Records Manager.
- (c) Full-time employees of the Records Section.
- (d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer.

812.4.3 RELEASE OF CHRI TO FIELD PERSONNEL

Personnel shall not have access to CHRI until a background investigation has been completed and approved.

The Spokane County Sheriff's Office will maintain compliance with ACCESS regulations and operate ACCESS terminal(s) in a secure, professional and legal manner.

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812.4.4 RECORDS SUITABLE FOR RELEASE

Conviction records and CHRI may be disseminated as set forth in RCW 10.97.050.

812.5 JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Superior Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles.

812.6 REVIEW OF CRIMINAL OFFENDER RECORD

RCW 10.97.080 provides the authority and procedure whereby an individual may review his/her own rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

812.7 PROTECTION OF CHRI

CHRI shall be stored in the Records Section where constant personnel coverage will be provided. CHRI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CHRI stored in the Records Section shall be restricted to the Records Section personnel authorized to release it. Direct access to CHRI stored in desks, file cabinets, and rooms outside the Records Section shall be restricted to those persons who possess both the right to know and the need to know the information.

812.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Section, Combined Communication Center, in the Investigation Unit and secured wireless computers, to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CHRI until the operator has completed the appropriate training.

812.7.2 DESTRUCTION OF CHRI

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CHRI documents they receive.

Disposal of all media will comply with the CJIS Security Policy for media disposal and includes the following:

- (a) When no longer usable, diskettes, tape cartridges, ribbons, hard copies, print-outs, and other similar items used to process CJIS data shall be destroyed by shredding (which must occur before destruction), incineration, or degaussing, considering whichever method is available and cost effective. This list is not all-inclusive.
- (b) IT systems which have processed or stored CHRI shall not be released from control until the equipment is sanitized and all stored information has been cleared.

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Criminal History Record Information (CHRI)

812.8 TRAINING PROGRAM

All personnel authorized to process or release CHRI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Office shall coordinate the course to provide training in the proper use, control, and dissemination of CHRI.

812.9 PENALTIES FOR MISUSE OF RECORDS

RCW 10.97.120 makes it a misdemeanor to furnish, buy, receive, or possess rap sheets without authorization by a court, statute, or case law.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, disc's, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Log all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, deputies should document the following in related reports:
 1. Where the computer was located and whether or not it was in operation.
 2. Who was using it at the time.
 3. Who claimed ownership.
 4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media.

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- (j) Hard drives can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields (i.e. police radio hardware).

814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Deputies should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact disc's, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence Report form.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant and search warrant affidavit authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media (e.g., hard disks, floppy disks, CDs, DVDs, tapes, memory cards, flash memory devices) should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation contact the case manager for copying the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.
- (f) When battery powered digital devices (e.g. digital cameras) are involved in criminal acts and are in the possession of the suspect, the electrical cords or charging cords should be seized with the digital device.

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814.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Deputies should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on if it is OFF, and remove the battery if possible (Apple iPhones you cannot).
- (c) If the phone is ON, turn Airplane Mode or Stand-Alone Mode ON then power it off and remove the battery if possible.
- (d) If the phone is ON but has a pass-code or pattern lock, turn the phone off and remove the battery. If at all possible get the pass-code or pattern lock from the owner.
- (e) If unsure, power off the phone and remove the battery.
- (f) Record your actions in your report.
- (g) When seizing the devices, also seize the charging units, if available.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Deputies handling and submitting recorded and digitally stored evidence from digital cameras, audio or video recorders and cell phones will comply with these procedures to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs or recordings taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

814.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (SD card, smart card, compact flash card or any other media) shall be submitted to the Forensic Unit as soon as possible for submission into evidence.
- (b) Deputies are not authorized to review or copy recording media. The Forensic Unit Technicians and Specialists are the only employees authorized to copy and/or distribute digital media made from the recording media.
- (c) When the photographs or recording for the incident are completed remove the recording media, set the lock and place in designated envelope along with the photo log and seal.
- (d) The envelopes containing the recording media and photo log will be turned in at the end of each shift in the designated spot for digital media evidence.
- (e) The envelope is kept in the Sheriff's Office member's direct control until such time as the envelope is placed in a designated location for the type of evidence.
- (f) The envelope will be collected by members of the Forensic Unit or their designee and images will be downloaded by the Forensic Unit Staff.

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- (g) Forensic Unit Technicians and Specialists will make a copy of the recording media using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the agency recording media for re-use. The storage media will be marked as the original. Data will be stored and backed up by Spokane County Information Systems.
- (h) Deputies requiring a copy of the digital files must request a copy on a photo lab request form.
- (i) The recording media will be returned in an envelope to a location designated by each unit or to the individual submitting the recording media.

814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

814.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only Forensic Unit Employees or the Technical Support Team are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

814.5.5 RELEASING AUDIO AND VIDEO RECORDINGS

No audio recording in the possession of the Sheriff's Office shall be duplicated and released to the public unless;

- (a) There has been a final disposition of any criminal or civil litigation arising from the event that was recorded; and
- (b) All parties to the audio recording have consented to the release in writing.

No video recording in the possession of the Sheriff's Office shall be duplicated and released to the public unless;

- (a) There has been a final disposition of any criminal or civil litigation arising from the event that was recorded; or
- (b) There is nothing contained in the video that readily identifies the individual or individuals that are the subject of the video and the video contains no information that would interfere with any court proceeding related to the event that is the subject of the video.

814.6 DIGITAL EVIDENCE NOT RECORDED BY DEPUTIES

When digital evidence is not recorded by deputies:

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- (a) The recording media (SD card, smart card, compact flash card or any other media) shall be taken to the Property and Evidence Facility as soon as possible for submission into evidence.
- (b) Deputies are not authorized to review or copy recording media. The Forensic Unit Technicians and Specialists are the only employees authorized to copy and/or distribute digital media made from the recording media.
- (c) The only exception to this policy is by supervisory approval due to the sensitive nature of the media. Deviations will be noted in the case file.

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Chapter 9 - Custody

Custody Searches

902.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent department procedures regarding pat-down/frisk, booking and strip searches of pre-arraignment detainee as provided by RCW 10.79.060, et. seq. It is important to note that the legislature has specified their intent to "restrict the practice of strip searching and body cavity searching persons booked into holding, detention, or local correctional facilities to those situations where such searches are necessary" (RCW 10.79.060).

902.2 DEFINITIONS OF SEARCHES

Pat-Down Search - The normal type of search used by deputies in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the prisoner, or other prisoners.

Booking Search - A search used in the Detention Services and again involves a thorough patting down of an individual's clothing. All pockets, cuffs and folds of the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

Strip Search - A search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (RCW 10.79.070(1)). This includes monitoring of an arrestee showering or changing clothes where the arrestee's private underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

Physical Body Cavity Search - The touching or probing of a person's body cavity, whether or not there is actual penetration of the body cavity (RCW 10.79.070(2)). Body cavity means the stomach or rectal cavity of a person and the vagina of a female (RCW 10.79.070(3)).

902.3 PAT DOWN/FRISK

- (a) When any deputy has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the deputy reasonably believes that the individual may present a threat to officer safety, that deputy may conduct a normal pat-down/frisk of that individual.
- (b) Prior to detaining any individual in any sheriff's vehicle, a deputy should conduct a normal pat-down/frisk of that individual.
- (c) Whenever practical, a pat-down/frisk of an individual should be conducted by a deputy of the same sex as the person being searched. Absent the availability of a same sex deputy, it is recommended that a witness deputy be present during any pat-down/frisk of an individual of the opposite sex as the searching deputy.

902.4 BOOKING SEARCHES

- (a) Absent emergency circumstances in which no reasonable alternative exists, no person arrested for a misdemeanor or infraction not involving weapons, controlled substance or violence may be placed in the general Detention Services population, unless all of the following conditions exist:

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1. The person is not cited and released.
 2. The person is not released on his/her own recognizance.
 3. The person is not able to post bail within a reasonable time not less than three hours.
- (b) Any person taken into custody may be subjected to pat-down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.

902.5 STRIP SEARCHES

No person shall be strip searched without a warrant unless (RCW 10.79.130):

- (a) There is a reasonable suspicion to believe that a strip search is necessary to discover weapons, criminal evidence, contraband, or other thing concealed on the body of the person to be searched, that constitutes a threat to the security of a holding, detention, or local correctional facility.
- (b) There is probable cause to believe that a strip search is necessary to discover other criminal evidence concealed on the body of the person to be searched, but not constituting a threat to facility security.
- (c) There is a reasonable suspicion to believe that a strip search is necessary to discover a health condition requiring immediate medical attention.

A reasonable suspicion is deemed to be present when the person to be searched has been arrested for a violent offense as defined in RCW 9.94A.030 or any successor statute, an offense involving escape, burglary, or the use of a deadly weapon; or an offense involving possession of a drug or controlled substance under RCW Chapter 69.41, 69.50, or 69.52, or any successor statute.

No transgender or intersex prisoner shall be searched or examined for the sole purpose of determining the prisoner's genital status. If the prisoner's genital status is unknown, it may be determined during conversations with the prisoner, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

In-custody strip searches will only be conducted at a correction facility in accordance with RCW 10.79.

902.5.1 STRIP SEARCHES PROCEDURES

Strip searches at Spokane County Sheriff's Office facilities shall be conducted as follows:

- (a) Written authorization from the Shift Commander shall be obtained prior to the strip search.
- (b) All employees involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by authorized medical personnel (28 CFR 115.115; RCW 10.79.100).
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by persons not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second deputy of the same sex should be present during the search for security and as a witness to the finding of evidence.

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- (e) Employees conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched.
- (f) The primary employee conducting the search shall prepare a written report to include:
 1. The facts that led to the decision to perform a strip search.
 2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The written authorization for the search, obtained from the Shift Commander.
 4. The name of the person who was searched.
 5. The name and sex of the persons who conducted the search.
 6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, recovered during the search.
 10. The facts upon which the employee based his/her belief that the person searched was concealing a weapon or controlled substance, if the person was not arrested for a felony.
- (g) A copy of the written authorization shall be retained and made available upon request to the prisoner or the prisoner's authorized representative.
- (h) No employee should view a prisoner's private underclothing, buttocks, genitalia or female breasts while that person is showering, performing bodily functions or changing clothes unless the prisoner otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the prisoner with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the prisoner's consent and/or otherwise protect the prisoner's privacy and dignity.

902.6 PHYSICAL BODY CAVITY SEARCH

No person may be subjected to a body cavity search unless a Superior Court search warrant is obtained (RCW 10.79-080(1)). Body cavity searches are subject to the following conditions:

- (a) Shall be conducted at a detention facility and in accordance with RCW 10.79.

902.7 CONDUCTING PHYSICAL BODY CAVITY SEARCHES

Body cavity searches shall be conducted as follows (RCW 10.79.100):

- (a) The search must be performed under sanitary conditions.
- (b) The search must be conducted by a physician, registered nurse or physician's assistant.
- (c) Privacy will be afforded to the person. This includes while the person is dressing and undressing. Anyone not physically conducting or assisting shall be excluded from observing the search, except as necessary to ensure the safety of the people involved in the search.
- (d) The search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals as required by subsection (b) and (c) above.

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902.8 LIABILITY

The Revised Code of Washington expressly provides that a person who suffers damage or harm as a result of an improper search may bring a civil action to recover damages (RCW 10.79.110).

The agency and its employees are not liable for injury, death, or damage caused by a person in custody when the injury, death or damage was made possible by contraband that would have been discovered sooner but for the delay caused by having to seek a search warrant (RCW 10.79.170).

Custodial DNA Samples

904.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples for the DNA data bank as mandated in the DNA Identification System (RCW 43.43.754).

904.2 PERSONS SUBJECT TO DNA COLLECTION

Every person convicted of, or adjudicated guilty of the equivalent juvenile offense of a felony, stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, communicating with a minor for immoral purposes under RCW 9.68A.090, must have a biological sample collected for purposes of DNA identification analysis.

This department is only responsible to obtain samples from persons convicted of the listed offenses or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do serve a term of confinement in this department's Detention Services facilities, for convictions on or after July 1, 2002 (RCW 43.43.754(1)).

904.2.1 POINT OF COLLECTION

As soon as administratively practicable after confinement persons required to provide DNA samples shall be processed for the necessary samples

904.3 PROCEDURE

Upon a determination that any individual is qualified and required to provide DNA samples under the Act, an employee designated by the Sheriff shall obtain DNA samples in accordance with this policy.

904.3.1 BLOOD SAMPLES

Health care providers trained and qualified to draw blood are the only persons authorized to perform the withdrawal of blood in a medically approved manner.

904.3.2 BUCCAL SWABS

Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed departmentally approved training in the collection of buccal swabs. If an individual violently resists or presents other officer safety issues, employees may omit buccal swab samples upon approval of a supervisor.

904.3.3 FULL PALM PRINTS

Full palm print impressions shall be obtained on appropriate forms along with all DNA samples.

904.3.4 USE OF FORCE TO OBTAIN SAMPLES

If, after a written or oral request, an individual required to provide samples refuses to provide any or all of the required DNA samples, a sworn member of this department may use reasonable force necessary and consistent with constitutional and legal requirements to compel them to submit to collection of the required sample (RCW 43.43.750).

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Use of force to obtain such sample(s) should occur only under the following conditions

- (a) Prior to the use of reasonable force, the deputies shall take and document reasonable steps to secure voluntary compliance.
- (b) Prior to the use of reasonable force, the Deputies shall obtain written authorization from a supervisor which shall minimally include that the individual was asked to provide the sample(s) and refused.
- (c) If the authorized use of reasonable force includes a cell extraction, such extraction shall be videotaped.

For the purpose of this section, the use of reasonable force shall be defined as the force that an objective, trained, and competent deputy faced with similar facts and circumstances would consider necessary and reasonable to gain compliance.

904.4 PROCESSING DNA SAMPLES

All DNA or biological sample taken pursuant to RCW 43.43.752 through 43.43.758 shall be delivered to the forensic laboratory services bureau of the Washington State Patrol and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons (RCW 43.43.754(2)).

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Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

The employment policy of the Spokane Sheriff's Office shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Spokane County Civil Service.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience. They shall also meet any qualification set forth by the Spokane County Civil Service Commission. They shall also meet those standards set by state law.

1000.2.1 APPLICANT TESTING REQUIREMENTS

Prior to appointment, all candidates for sworn positions will, at a minimum, be screened through the following methods:

- (a) A background investigation, proof of which will subsequently be submitted to the Washington State Criminal Justice Training Commission (RCW 43.101.095(2)(a)).
- (b) A medical examination, including a drug screening, performed by a licensed physician.
- (c) A psychological fitness examination conducted by a qualified professional (e.g., a licensed psychologist or psychiatrist); the qualified professional, examination and subsequent report shall meet the standards as established in WAC 139-07-030.
- (d) A polygraph examination administered by an experienced polygraph examiner who meets the standards in WAC 139-07-040.

1000.2.2 SECURITY OF APPLICANT FILES

All applicant files will be secured and available only to those who are authorized to participate in the selection process.

1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Spokane County Civil Service maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Spokane County or State of Washington hiring standards.

The following standards have been adopted for public safety applicants:

1000.3.1 OPERATION OF A MOTOR VEHICLE

- (a) The ability to possess a valid Washington driver's license.

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- (b) The ability to drive safely.
- (c) The ability to control a motor vehicle at high speeds.
- (d) The ability to operate a motor vehicle in all types of weather conditions.
- (e) The following shall be disqualifying:
 - 1. A conviction for driving under the influence of alcohol and/or drugs within two years prior to application or two convictions for driving under the influence of alcohol and/or drugs within 10 years of application.
 - 2. Diversion, sentence reduction, plea or other similar action shall be the same as a conviction.
- (f) The following may be disqualifying:
 - 1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) from separate incidents, within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
 - 2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

1000.3.2 INTEGRITY

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.
- (c) Not divulging confidential information.
- (d) Showing strong moral character and integrity in dealing with the public.
- (e) Being honest in dealing with the public and fellow employees.
- (f) The following shall be disqualifying:
 - 1. Any material misstatement of fact or significant omission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview or polygraph examination or discrepancies between this background investigation and other investigations conducted by this agency, or other law enforcement agencies. Such material misstatements or significant omissions and/or discrepancies must be determined to be intentional on the part of the applicant to be disqualifying.
 - 2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating or personal dishonesty.
 - 3. Having been dishonorably discharged from the armed services.
- (g) The following may be disqualifying:
 - 1. Financial affairs or personal life shows a history of poor judgment and refusal to confront problems.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
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- (b) The following shall be disqualifying:
1. Conviction of any crime of Moral Turpitude as an adult. Crimes of Moral Turpitude typically include, but are not limited to : Fraud, Theft, or crimes against persons or things.
 2. Admission(s) of having committed any act amounting to a felony crime (may include some misdemeanor offenses) under Washington law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers).
 3. Admission(s) of administrative conviction or any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.
 4. Been convicted of a domestic violence related crime which precludes them from possessing a firearm.
 5. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.
 6. Conviction of any felony as classified under Washington state law.
 7. Conviction of any crime involving false swearing.
- (c) The following may be disqualifying:
1. Conviction of any criminal offense classified as a misdemeanor under Washington law within three years prior to application.
 2. Conviction of any offense classified as a misdemeanor under Washington law while employed as a peace officer (including military police officers).
 3. Any history of actions resulting in civil lawsuits against the applicant or his/her employer.
 4. Admission of any act of domestic violence as defined by law.
 5. Admission of a chargeable felony offense within the last two years.
 6. Stolen any merchandise or money larger than small change within the last 5 years, excluding when under the age of 18.

1000.3.4 DEPENDABILITY

- (a) A record of submitting reports on time and not malingering on calls, etc.
- (b) A record of being motivated to perform well.
- (c) A record of dependability and follow through on assignments.
- (d) A history of taking the extra effort required for complete accuracy in all details of work.
- (e) A willingness to work the hours needed to complete a job.
- (f) The following shall be disqualifying:
 1. Missing any scheduled appointment during the process without prior permission.
 2. Documented discipline by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations within the past 5 years.

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3. Having any outstanding warrant of arrest at time of application.
 4. Been fired, or resigned in lieu of termination, from two or more jobs in the last five years.
 5. Missed more than two days of work due to drinking in the last three years.
 6. Drank alcoholic beverages on the job without authorization in the last three years.
- (g) The following may be disqualifying:
1. Having been involuntarily dismissed (for any reason other than lay-off) by an employer as an adult (18 years of age).
 2. Having displayed a pattern of multiple positions with different employers over a limited period of time.
 3. Resigning from any paid position without notice.
 4. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability.

1000.3.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information.
- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned.
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer.
- (e) The following shall be disqualifying:
 1. Having been dismissed for academic or disciplinary reasons from any CJTC certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another CJTC basic law enforcement academy shall rescind this requirement.
- (f) The following may be disqualifying:
 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.

1000.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows respect for others.
- (b) Empathy.
- (c) Discretion, not enforcing the law blindly.
- (d) Fairness in dealing with fellow employees and citizens from varied racial, ethnic, sexual orientation and economic backgrounds both individually and in groups.
- (e) Effectiveness in dealing with people without arousing antagonism.
- (f) The following shall be disqualifying:
 1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination.

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2. Having a pattern of uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.
- (g) The following may be disqualifying:
1. Having been disciplined by any employer as an adult for fighting in the workplace.

1000.3.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations.
- (b) The ability to make sound decisions on the spot.
- (c) The ability to use good judgment in dealing with potentially explosive situations.
- (d) The ability to make effective, logical decisions under pressure.
- (e) The following shall be disqualifying:
 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws.
 2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

- (a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
 1. Any illegal adult use or possession of marijuana within three years prior to application for employment.
 2. Any other illegal adult use or possession of a drug within seven (7) years prior to application for employment.
 3. Any illegal adult use or possession of a drug while employed in any law enforcement capacity or military police.
 4. Any adult manufacture, sales, cultivation or transportation of illegal drugs.
 5. Failure to divulge any information about personal illegal use or possession of drugs.
 6. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected.
- (b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
 1. Any illegal use or possession of a drug as a juvenile.
 2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above.
 3. Any illegal or unauthorized use of prescription medications.

1000.3.9 ADDITIONAL DISQUALIFIERS

- (a) Additionally, an Applicant may be considered unacceptable if the Applicant is unable to demonstrate high standards in the following bona fide occupational requirements:
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1. Judgment, verbal communication skills, tact, understanding and sensitivity, honesty, integrity, impartiality, confidence and emotional stability.

Retirement and Resignation

1001.1 PURPOSE AND SCOPE

Guidelines for submitting letters of notification of retirement or resignation

1001.2 RETIREMENT

Notification of retirement of any employee of the Sheriff's Office will be submitted in writing to the Sheriff, at least thirty (30) days before leaving service. Terms of the retirement must comply with the applicable provisions of L.E.O.F.F., PERS, and other agreements.

1001.3 RESIGNATION

If an individual is resigning he/she will submit a letter stating the reason for the resignation to his/her division commander, not later than fifteen (15) days before leaving service. This letter will then be given to the Sheriff for his/her acceptance, and will be included in the individual's personnel file, along with his/her property form, sick leave/vacation record, identification card, and commission form.

Any employee of the Sheriff's Office who voluntarily leaves the Sheriff's Office without submitting a formal resignation letter as required will be deemed to have resigned with prejudice. A suitable notation will be made in the person's personnel record.

1001.4 CONDITIONS TO BE MET WHEN RETIRING OR RESIGNING

When an employee leaves the Sheriff's Office by retirement, resignation, or dismissal, the following conditions will be addressed.

- (a) The Inventory Custodian will be contacted and the individual's personal inventory form will be reviewed. All items issued to the individual will be returned.
- (b) An immediate accounting will be made of the person's accrued sick leave and vacation time, up to the exact day of separation (include the last day worked, and number of days worked in the pay period). This will be accomplished through the division's daily attendance logs. This information will be given to the administrative assistant in charge of payroll as soon as it is completed.
- (c) If a commissioned deputy leaves the Sheriff's Office for any reason (e.g., lateral to another agency, termination, resignation, or retirement) the personnel section of the Training Unit will send notification to the Washington State Criminal Justice Training Commission. (See RCW 43.101.135) The form used to make this notification can be found on the Training Commission's web site.

Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The Spokane County Sheriff's Office utilizes a performance evaluation report to document performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1002.3.1 RESERVE DEPUTY EVALUATIONS

Reserve deputy evaluations are covered under the Reserve Deputies Policy.

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Evaluation of Employees

1002.4 FULL TIME PROBATIONARY PERSONNEL

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed quarterly for all full-time civilian personnel during the probationary period.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary deputies are evaluated daily, weekly and monthly during the probationary period.

1002.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

Evaluations will be filed within three months of the evaluation date.

1002.5.1 RATINGS CRITERIA

When completing the Employee Performance Evaluation, the rater will use the listed categories that best describes the employee's performance. The definition of each rating category is as follows:

Excels - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected.

Acceptable - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Unacceptable - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A unacceptable rating must be thoroughly discussed with the employee.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension should be substantiated in the rater comments section.

1002.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions

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Evaluation of Employees

the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1002.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

1002.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Sheriff for the tenure of the employee's employment. A copy will be given to the employee.

1002.9 REMEDIAL TRAINING

When an employee fails to perform a job function at the level prescribed in this policy manual, remedial training may be necessary to ensure that employee has the knowledge and skills necessary to perform at an acceptable level.

Whenever an employee receives an evaluation rating that documents a performance deficiency or is receiving discipline for a performance deficiency, the supervisor should consider whether remedial training would be appropriate to assist the employee in improving their performance.

- (a) If remedial training is deemed to be appropriate, the supervisor shall document the following items in a Personnel Improvement Plan (PIP):
 1. The remedial training being provided.
 2. The timeline for providing the training.
 3. The timeline for evaluating the employee's subsequent performance.
 4. The consequences if the employee fails to perform.
 5. The desired outcome if the remediation is successful.
- (b) Prior to implementing the remedial training, the supervisor shall present the PIP to the employee who shall then be provided with ten days to respond with any objections or other comments.
- (c) If the employee fails to provide a timely written response or expresses no desire to respond, the employee's date and signature shall be affixed to the PIP as agreement to its terms.
- (d) If the employee provides a timely written response, any objections shall be adjudicated in accordance with the department's grievance procedure.

The remedial training process is for use with all employees. It is not limited to use with probationary employees.

Promotional, Specialized Assignment and Transfer Policy

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for transfer and promotion within the ranks of the Spokane County Sheriff's Office.

1004.1.1 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition which aids in their performance.
- (c) Demonstrate the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to organizational goals and objectives in a positive manner.

1004.2 SPECIALIZED ASSIGNMENTS

The following positions are considered transfers and are not considered promotions:

- (a) Special Enforcement Team member- SWAT, EDU, ITF and Gang Enforcement Unit.
- (b) Traffic Unit.
- (c) Field Training Officer.
- (d) Community Relations.
- (e) School Resource Deputy.
- (f) Courthouse Security Deputy.
- (g) Civil Unit.
- (h) Training Unit.
- (i) Domestic Violence Unit
- (j) Small Contract Cities
- (k) Intelligence Lead Policing Corporals

1004.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

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- (a) Experience.
- (b) Completed probation.
- (c) Has shown an expressed interest in the position applied for.
- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- (e) Complete any training required by CJTC or law.

1004.3 SELECTION PROCESS

The following criteria apply to transfers.

- (a) Administrative evaluation as determined by the Sheriff. This shall include a review of performance history to include administrative files, performance evaluations and personnel files.
- (b) The request for change of assignment form with supervisor commentary will be submitted to the Division Commander for whom the candidate will work. The Division Commander or designee will schedule interviews with each candidate.
- (c) Based on the above information and recommendation of the Division Commander after the interview, the Division Commander will submit his/her recommendation(s) to the Sheriff.
- (d) Selection by the Sheriff or his/her designee.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

1004.3.1 ROTATION - LENGTH OF TIME IN SPECIALTY UNITS

To provide the opportunity for movement and variety within one's job classifications and the opportunity for individuals to receive diversified training and experience, most specialty unit positions will be rotated. The recommended lengths of assignments in the specialty units are as follows:

- (a) Civil Unit - Five (5) years
- (b) Crime Prevention - Five (5) years
- (c) School Resource Deputy - Five (5) years
- (d) Dem/Dive Team/Marine - Five (5) years
- (e) Drug Task Force - Five (5) years
- (f) Traffic - Five (5) years
- (g) Training Office - Five (5) years
- (h) Public Safety Building Campus Security - Five (5) years
- (i) Investigative Task Force - Five (5) years

1004.3.2 UNITS EXEMPT FROM ROTATION

Because of the highly specialized training required, the following units are exempt from mandatory rotation:

- (a) All Canine
- (b) EDU
- (c) Hostage Negotiation

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- (d) SWAT
- (e) Firearms Instructor/Armorer
- (f) Field Training Officer
- (g) Air Support

1004.4 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the Spokane County Civil Service.

1004.5 SHERIFF RETAINS THE RIGHT TO MAKE ASSIGNMENTS

The selection, continued assignment or the removal of employees to or from assignments is at the sole discretion of the Sheriff.

Grievance Procedure

1006.1 PURPOSE AND SCOPE

It is the policy of the Sheriff's Office that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1006.1.1 GRIEVANCE DEFINED

Grievance - Is any dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding).
- This Policy Manual.
- County rules and regulations covering personnel practices or working conditions.

Grievances may be brought by an individual affected employee or by a group representative.

1006.2 PROCEDURE

Collective bargaining agreements address the grievance procedures for each bargaining unit and the members of those units who are employed by the Spokane County Sheriff's Office. Employees will consult their contract, Spokane County Civil Service Rules, or Spokane County Human Resources for grievance procedures.

1006.2.1 RECOGNIZED UNIONS AND ASSOCIATIONS BARGAINING

- Spokane County Deputy Sheriffs Association
- Local 492-RFC, AFLCIO Radio, Forensics and Cooks Union
- Local 492-SP, AFLCIO, Sheriff Support Personnel Union
- Lieutenants and Captains Association
- Local 492 - CD AFLCIO Correction Deputy Union
- Local 492 - CS AFLCIO Corrections Sergeants and Lieutenants
- Local 492 - N, AFLCIO, Jail Nurses Union
- 1553 - S, Food Managers/Supervisors Union
- 492 - GCO, AFLCIO, Corrections Officers Union
- 492 - CC - AFLCIO, Corrections Corporals/Probation Officers Union
- 1553 - GS - AFLCIO, Geiger Sergeants Union
- 494 - CL - AFLCIO, Corrections Lieutenants Union

1006.2.2 REPRESENTED EMPLOYEE SEXUAL HARASSMENT OR DISCRIMINATION GRIEVANCE

Represented employees who have a sexual harassment or discrimination grievance created by a work situation shall have the right to submit such grievance to the Spokane County Civil Service Commission, or their collective bargaining unit, or Spokane County Human Resources for adjudication.

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Grievance Procedure

1006.2.3 NON-REPRESENTED EMPLOYEES GRIEVANCE PROCEDURE

Non-represented employees who have grievances created by work situations shall have the right to submit their grievance for orderly adjudication to the Spokane County Civil Service Commission. (Rule XX)

1006.2.4 NON-REPRESENTED EMPLOYEE SEXUAL HARASSMENT OR DISCRIMINATION GRIEVANCE

Non-represented employees who have a sexual harassment or discrimination grievance created by a work situation shall have the right to submit the grievance to the Spokane County Civil Service Commission or Spokane County Human Resources for resolution.

1006.2.5 CONTENTS OF GRIEVANCE

Employees will consult with their collective bargaining unit agreement, Spokane County Human Resources, or Spokane County Civil Service Rules. In general, grievance progressing past the immediate supervisor will be reduced to writing in detail and will include:

- (a) Statement of the grievance and the information upon which it is based.
- (b) Specification of the alleged wrongful act and resultant harm.
- (c) A description of the remedy, adjustment, or other corrective action sought.

1006.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1006.4 GRIEVANCE RECORDS

A copy of all grievance related documents will be forwarded to Sheriff's administration staff, where they will be maintained in a central file.

1006.5 GRIEVANCE AUDITS

The Training Sergeant shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Sergeant shall record these findings in a confidential and generic memorandum to the Sheriff without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training Sergeant should promptly notify the Sheriff.

Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Washington and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.3 REPORTING PROCEDURE

All members of this department and all retired deputies with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1012.1.1 ZERO TOLERANCE DRUG POLICY

The Spokane County Sheriff's Office receives federal funding from various federal programs. As a result, it is subject to the Drug Free Workplace Act. The Sheriff's Office has adopted a zero tolerance policy with regard to illegal drugs that are prohibited by state and/or federal law. Employees that use drugs that are prohibited by state and/or federal law, and don't meet one of the exceptions outlined in this policy, will be subject to discipline.

1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy). Employees who have the odor of an alcoholic beverage on his/her breath when reporting for duty or while on active duty, will be deemed in violation of this policy and subject to disciplinary action.

1012.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action (RCW 69.51A.060(6)).

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1012.3.2 CONFIDENTIALITY

The Sheriff's Office recognizes the confidentiality and privacy due employees, and disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the expressed written consent of the employee involved or pursuant to lawful process.

1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 EMPLOYEE ASSISTANCE PROGRAM

Spokane County has established a voluntary employee assistance program to assist employees who wish to seek help for alcohol and drug problems. There is also available a variety of insurance coverage which provide treatment for drug and alcohol abuse. Employees may contact the County Human Resources Department, their insurance provider, or the Employee Assistance Program for additional information.

1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1012.7 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1012.8 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis,

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shall only be with the express written consent of the member involved or pursuant to lawful process.

Sick Leave Reporting

1014.1 PURPOSE AND SCOPE

Employees of the Sheriff's Office are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective labor agreement. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 CFR 825).

1014.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

1014.2.1 NOTIFICATION

Employees are encouraged to notify the Shift Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

1014.3 EXTENDED ILLNESS

Employees absent from duty due to illness in excess of three consecutive days may be required to furnish a statement from their physician upon returning to work. Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

1014.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors

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should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- (a) To manage the risks associated with bloodborne pathogens (BBP), aerosol transmissible diseases (ATD) and other potentially infectious substances.
- (b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).
- (c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.
- (d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1016.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODILY FLUIDS

All department personnel who may be involved in providing emergency medical care or who come in contact with another person's blood or bodily fluids (e.g., during an altercation or while attending to any injured person), shall follow these procedures and guidelines (WAC 296-823-140 et seq.).

1016.2.1 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Department's Exposure Control Officer (ECO). The ECO shall be responsible for:

- (a) The overall management of the BBP Exposure Control Plan (ECP).
- (b) Establishing written procedures and a training program related to ATD.
- (c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan, and remaining current on all legal requirements concerning BBP and other communicable diseases.
- (d) Acting as a liaison during Occupational Safety and Health Administration (OSHA) inspections and conducting program audits to maintain an up-to-date ECP.
- (e) Maintaining an up-to-date list of sheriff's personnel requiring training; developing and implementing a training program; maintaining class rosters and quizzes; and periodically reviewing the training program.
- (f) Reviewing and updating the ECP annually (on or before January 1 of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

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1016.2.2 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids such as saliva, urine, semen and vaginal secretions, are to be treated as if they are known to be infectious. Where it is not possible to distinguish between fluid types, all bodily fluids are to be assumed potentially infectious (WAC 296-823-14060).

1016.2.3 PERSONAL PROTECTIVE EQUIPMENT

The PPE is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures (WAC 296-823-15005):

- Disposable latex gloves.
- Safety glasses or goggles.
- Rescue mask with a one-way valve.
- Alcohol (or similar substance) to flush skin at emergency site (keeping several alcohol hand wipes in the car is recommended).

The PPE is issued to an individual. It should be inspected at the start of each shift and replaced immediately upon returning to the station if it has been used or damaged during the shift, or as otherwise needed.

1016.2.4 IMMUNIZATIONS

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment and/or immunization for Hepatitis B (HBV) (WAC 296-823-130 and WAC 296-823-13005).

1016.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated (WAC 296-823-15005).

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste (WAC 296-823-15010). Care should be taken to avoid touching other items (e.g., pens, books and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying or otherwise generating droplets of those materials (WAC 296-823-14020).

The following guidelines are paramount:

- Avoid needle sticks and other sharp instrument injuries. Never perform two handed needle recapping.
- Wear disposable gloves when contact with blood or body fluids is likely.
- Use disposable shoe coverings if considerable blood contamination is encountered.
- Keep all cuts and open wounds covered with clean bandages.

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- Avoid smoking, eating, drinking, nail biting, and all hand-to-mouth, hand-to-nose, and hand-to-eye actions while working in areas contaminated with blood or other body fluids.
- Wash hands thoroughly with soap and water after removing gloves and after any contact with blood or other body fluids.
- Clean up any spills of blood or other body fluids thoroughly and promptly using a 1:10 household bleach dilution.
- Place all possibly contaminated clothing and other items in clearly identified impervious bio-hazard plastic bags.
- Place all possible contaminated sharp objects in clearly identified puncture resistant containers.

1016.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or bodily fluids.

1016.3.1 USE OF WASTE CONTAINERS

Deputies shall dispose of biohazards with the on-scene fire response vehicle, or at the attending clinic/hospital with its approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leak-proof, red or appropriately labeled with a biohazard warning, and routinely emptied (WAC 296-823-14060).

1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible) or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained (WAC 296-823-14030).

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required. Medical treatment is required in all incidents of exposure. Contaminated mucus membranes, (i.e., eyes, nose, mouth) shall be flushed with water for a period of twenty minutes.

All hand, skin and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms or other locations not designated as the cleaning or decontamination area (WAC 296-823-14030).

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1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn (WAC 296-823-14015).

1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or sheriff's vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or sheriff's station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through (WAC 296-823-15030).

1016.3.5 DECONTAMINATION OF PPE

After using any reusable PPE, it shall be washed or disinfected and stored appropriately. If it is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

Any PPE that becomes punctured, torn or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the PPE if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, the measures above shall be implemented.

Contaminated reusable PPE that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or sheriff's vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste (WAC 296-823-15030).

1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably practicable. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station or sheriff's station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA).

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Pay close attention to handles, controls, portable radios and corners (tight spots) when cleaning equipment. Equipment cleaning shall not be done in the kitchen, bathrooms or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter cup of bleach per one gallon of water), while wearing disposable gloves and goggles. Large particles of contaminants such as vomit, feces or blood clots should first be removed using a disposable towel or other means to prevent direct contact, and properly disposed (WAC 296-823-14055).

1016.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a bio-hazard waste bag and give it to the ECO. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department's expense (WAC 296-823-15030).

Contaminated leather boots or gloves shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot or gloves, the boot or gloves shall be discarded.

1016.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible. If the vehicle is parked for later decontamination, it must be clearly posted on the vehicle itself. The ECO or equipment servicer shall be notified promptly of the contaminated car, the suspected contaminant and the car's location.

1016.3.9 DECONTAMINATION OF STATION AND CLEANING AREA

The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes and consuming food and drink are prohibited in this designated area at all times.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities, ensure the best protection and care for the employee (WAC 296-823-160 et seq.).

1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

The employee shall:

- (a) Wash the affected area immediately with soap and water and contact your supervisor to advise them of the situation.
- (b) Call U.S. Health Works (747-0770, 2005 E 29th or 467-4545, 9222 N Newport Hy) for an exposure assessment (these numbers may go to a paging system after-hours,

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so be prepared to provide a call-back number). A doctor will return your call or page within fifteen (15) minutes or less. There is a critical two-hour window for treatment to begin. The doctor will assess the exposure as follows:

1. Simple Exposure; many exposures do not require further treatment than the clean-up that you have already done.
2. Significant Exposure; if the exposure has a significant probability of disease transfer, the doctor will instruct you to report to a U.S. Health Works Office or the ER at Deaconess or Sacred Heart Hospitals. You will be given a "base-line" blood test that will include testing for HIV and Hepatitis B and C. Medical treatment options will be considered at this time.

U.S. Health Works will provide you with your test results at a follow-up appointment scheduled within the next 24 to 48 hours. They will also provide you with third-party test results when applicable.

The Centers for Disease Control provides a toll free hotline staffed 24/7 by physicians. This "post exposure prophylaxis hotline" is 1-800-232-4636. This number is available for you to call the CDC for consultation if you desire.

Contact your supervisor to complete necessary paperwork.

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information (WAC 296-823-16005):

- (a) Names and social security numbers of the employees exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) The potentially infectious materials involved
- (e) Source of material or person
- (f) Current location of material or person
- (g) Work being done during exposure
- (h) How the incident occurred or was caused
- (i) PPE in use at the time of incident
- (j) Actions taken post-event (clean-up, notifications, etc.)

The supervisor shall use the above information to prepare a written summary of the incident, its causes and recommendations for avoiding similar events. This information is captured by the Potential Infectious Disease Exposure form. The appropriate routing of this form is located at the bottom of the report (original to Risk Management, one copy to the employee, one copy to the supervisor and one copy to the Health District).

Other supervisor responsibilities:

- Complete necessary forms.
 - If the exposure was classified by U.S. Health Works or a hospital ER as a "simple exposure" (no treatment other than clean-up), complete the Supervisor Accident Injury Report (SAIR) with one copy to the employees file and one copy to Risk Management.

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- Forward copies of all paperwork to the ECO and the Division Commander of the affected employee. The ECO will act as the liaison for the Sheriff's Office and will monitor the incident to assure compliance with current standards and regulations.
- Document your efforts regarding the incident. All reports will be provided to the ECO, the consulting physician, and to the County Risk Manager.

1016.4.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Any employee who was exposed or suspects he/she was exposed to any bodily fluids should be seen by a physician (or qualified health care provider) immediately following the exposure or as soon as practicable thereafter. The doctor (or qualified health care provider) should review the supervisor's report, the employee's medical records relevant to the visit and examination and the Communicable Disease Notification Report. The medical consultation, evaluation and treatment shall be provided at no cost to the affected employee.

The health care professional shall provide the ECO and/or the County's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report (WAC 296-823-16005).

1016.4.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation (WAC 296-823-16005).

1016.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in the process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's HBV status and the results of examinations, medical testing and follow-up procedures that took place as a result of an exposure.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law).

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1016.5 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure shall be sought whenever the source is a known individual.

- (a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.
- (b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the exposure report.
- (c) The results of the tests should be made available to the source and the exposed employee.

It is the responsibility of the ECO to ensure the proper testing and reporting occur (WAC 296-823-16010). If consent is not obtained, the ECO should document that fact and promptly consult with the Prosecuting Attorney to consider requesting that a court order be sought for appropriate testing.

When an employee is exposed to the bodily fluids of an arrestee, the ECO shall file a report with the county health officer. The county health officer may pursue testing for HIV or hepatitis B or C (RCW 70.24.360 and WAC 246-100-206).

Since there is potential for overlap between attempts to obtain consent and the duties of the county health officer, the ECO is responsible for coordinating the testing with the county health officer to prevent unnecessary or duplicate testing.

Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Spokane County Sheriff's Office facilities or vehicles.

1018.2 POLICY

The Spokane County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Spokane County Sheriff's Office to limit the use of tobacco by employees while on-duty or at any time the employee is acting in an official capacity for the Department.

1018.3 EMPLOYEE USE

Tobacco use by employees is prohibited anytime employees are in public view representing the Department.

Smoking and other use of tobacco products is not permitted inside department facilities or any department vehicle.

It shall be the responsibility of all employees to ensure that no person smokes or uses any tobacco product inside department facilities and vehicles.

1018.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of a main entrance, exit, or operable window of any building (RCW 70.160.075).

Personnel Complaints

1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct and/or improper job performance of members and employees of this department.

1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law and would likely result in corrective/disciplinary action.

Inquiry - An inquiry is:

- (a) A contact either in person, by phone, electronically or in writing with a citizen, another member of the Sheriff's Office or the member of another law enforcement agency regarding a complaint, question or concern about the conduct or performance of a Sheriff's Office employee that has been resolved to the calling/complaining party's satisfaction.
- (b) A complaint, question or concern about the conduct or performance of a Sheriff's Office employee which, even if true, would not constitute a violation of policy or law.
- (c) A complaint, question or concern about the conduct or performance of a Sheriff's Office employee that lacks information or detail sufficient to identify the employee allegedly involved.
- (d) A matter in which the complaining party, after making an initial complaint, becomes either disinterested, unavailable or uncooperative to the degree that further investigation of the complaint is determined to be unnecessary or impractical.

Inquiries may be documented via Blue Team or IAPro or on a Complaint and Inquiry Form at the discretion of the supervisor or other designated Sheriff's Office employee handling the inquiry.

Personnel Complaints shall be classified in one of the following categories:

Initial Complaint: A contact either in person, by phone, electronically or in writing with a citizen or member of another law enforcement agency alleging misconduct or improper job performance that, if true, would constitute a violation of department policy, federal, state or local law and would likely result in corrective/disciplinary action.

Formal Complaint: - A contact either in person, by phone, electronically or in writing with a citizen, another member of the Sheriff's Office or the member of another law enforcement agency regarding an allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy, federal, state or local law and would likely result in corrective/disciplinary action where:

- (a) The complainant completes and returns Compliant/Witness forms or provides a written statement or complaint.
- (b) The complainant declines to provide a formal written complaint for whatever reason but clearly expresses a desire that their complaint be investigated.

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- (c) A division commander, undersheriff or the sheriff determines that further action is warranted.

Investigations into personnel complaints shall be classified in one of the following categories:

Initial Investigation: A limited investigation into a complaint for the purpose of attempting to determine whether a formal investigation is necessary and/or justified. This type of investigation may include, but not necessarily be limited to, the acquisition/collection of written complaints or statements, administrative reports, incident and CAD reports or other relevant documents. It may also include conversations/interviews with complaining parties and/or witnesses.

Formal Investigation: A complete and thorough investigation into a complaint that has been formally assigned for investigation by a division commander, undersheriff or the sheriff.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Complainant/Witness Statement forms will be maintained in a clearly visible location in the public lobby. Forms may also be available at other Sheriff's Office facilities and available to department employees at the following location: [\spokanecounty.org\countysheriff\Data\LexipolPolicy\COMPLAINT-WITNESSForm.pdf](http://spokanecounty.org/countysheriff/Data/LexipolPolicy/COMPLAINT-WITNESSForm.pdf).

1020.2.2 SOURCE OF COMPLAINTS

- (a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct or improper job performance by an employee which, if true, would likely result in corrective/disciplinary action.
- (c) A complaint may be filed directly with the Office of Professional Standards or the sheriff.
- (d) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be made in person, in writing, electronically or by telephoning the department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Formal Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would constitute a violation of Sheriff's Office policy, federal, state or local law and would likely result in corrective/disciplinary action.
- (b) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Complaint/Witness Statement form.
- (c) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians

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present and after the parents or guardians have been informed of the circumstances prompting the complaint.

1020.2.4 COMPLAINT DOCUMENTATION

Initial and formal complaints of alleged misconduct and/or improper job performance should be documented by supervisors via Blue Team or by shift commanders or other designated employees via IAPro. The shift commander or other designated employee entering a complaint into IAPro, or bringing a complaint into IAPro from Blue Team, will complete a Complaint and Inquiry form to be used as a cover sheet for the complaint packet. The supervisor or other designated employee taking the complaint shall ensure that the nature of the complaint is defined as clearly as possible.

When a Complaint/Witness Statement form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor or designated employee. Absent circumstances prohibiting it, an effort should be made to audio and/or video record complainant and non-member witness interviews. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, complainant should read or be advised of the warning at the bottom of the form regarding knowingly making a false or misleading statement and asked to sign and date the form.

1020.2.5 ASSIGNMENT OF COMPLAINT INVESTIGATION

While supervisors are responsible for the initial investigation and documentation of complaints, any formal investigation will be conducted by a shift commander or above or by personnel of the Office of Professional Standards. The assignment of the formal investigation will be made by the division commander based on factors including, but not limited to:

- Complexity of the investigation
- Seriousness of the allegation
- Likelihood of litigation

1020.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the initial investigation of a personnel complaint shall rest with the employee's immediate supervisor. The sheriff or authorized designee may, however, direct that another supervisor or designated employee investigate the complaint. The supervisor shall be responsible for the following:

- (a) A supervisor receiving an initial or formal complaint involving allegations of a potentially serious nature shall ensure that the shift commander, division commander and sheriff are notified as soon as practicable.
- (b) A supervisor receiving or initiating an initial or formal complaint will document the complaint via Blue Team and forward it to the appropriate shift commander for review and entry into the IAPro database. The supervisor will assure that Complaint/Witness forms are provided or mailed to the complainant if requested or appropriate. The shift commander entering the complaint in IAPro will ensure that a Complaint and Inquiry form is completed and attached to the complaint. The shift commander will

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review the complaint, collect and attach any relevant reports, written statements or documents and forward the packet to the appropriate division commander. The division commander will review the complaint packet and may assign it for formal investigation, return it to the shift commander for further action or direct that it be reduced to an inquiry and settled.

1. During the initial investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
 2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.
 3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's shift commander, division commander or the sheriff who will initiate appropriate action.
- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to law.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor or shift commander receiving the complaint shall contact the sheriff and Human Resources for direction regarding their role in investigation and/or addressing the complaint.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the agency, the employee, other employees or the public, the accused employee may be placed on non-disciplinary administrative leave pending completion of the investigation or the filing of administrative charges. The sheriff still reserves the right to terminate employees who commit a serious misconduct violation.

1020.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

- (a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.
- (b) An employee placed on administrative leave may be required to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment.
- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered.
- (e) The sheriff or his/her designee is authorized to place an employee on administrative leave.

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- (f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned.

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this department is accused of potential criminal conduct within our jurisdiction, an investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The sheriff shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the sheriff may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively compelled from an employee may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer which has not led to a conviction. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy. Violations of any law, an indictment or information filed against a member/employee, or a conviction may be cause for disciplinary action up to and including termination of employment.

1020.6 ADMINISTRATIVE INVESTIGATION OF FORMAL COMPLAINT

Whether conducted by a shift commander or above or an assigned member of the Office of Professional Standards, the following procedures shall be followed with regard to the accused employee(s):

- (a) Interviews of accused and/or witness employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated.
- (b) No more than two interviewers may ask questions of an accused employee.
- (c) Prior to any interview, an employee shall be informed of the nature of the investigation.
- (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated.
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.
- (f) Absent circumstances preventing it, the interviewer should audio and/or visually record all interviews of employees. The employee may also record the interview. Each party shall be responsible for supplying their own audio-visual equipment.
- (g) All employees subjected to interviews that could result in disciplinary action shall have the right to have a collective bargaining unit representative and/or their supervisor present during the interview. However, in order to maintain the integrity of

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each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed. Nothing in this policy is intended to prevent a deputy from meeting individually with legal representation. In addition, they may also have legal representation at their own expense. Collective bargaining unit representative participation is governed by specific collective bargaining agreements. Other support persons may advise the employee but not take part in the interview. Any of these representatives that are deemed to be disruptive and fail to follow established guidelines of the interview will be excused. The employee shall be given time to consult with any of these persons prior to the interview on a reasonable basis. The employee may not use consultation as a delaying technique.

- (h) All employees shall provide complete and truthful responses to questions posed during interviews.
- (i) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1020.6.1 ADMINISTRATIVE SEARCHES

An employee of this department may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances:

- When the employee, whether on or off-duty, is involved in a shooting or law enforcement related death.
- When the employee is involved in an injury or fatal accident while on duty.
- When the employee is involved in an injury or fatal accident while operating any county owned vehicle whether on or off-duty.
- When the employee is found to be exhibiting objective symptoms of intoxication or drug influence while on duty.

The use of compelled testing results shall be restricted to the administrative investigation.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties; or, if the employee is assigned to or being considered for a special assignment with a potential for bribes.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place.

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

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Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - Investigative conclusion.

Exhibits - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel.

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or designated employee assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation within a reasonable period following receipt and consistent with appropriate labor agreements. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

If the complaining party is charged with a criminal offense associated with the investigation, the investigation may be suspended until the completion of the criminal trial.

Upon completion of the investigation, the investigative file should be forwarded to the division commander of the involved employee(s), the undersheriff or the sheriff.

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Once received, the sheriff may accept or modify the classification and recommendation for disciplinary action.

Within 45 days of the final review by the sheriff, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint.

Any complaining party who is not satisfied with the findings of the department concerning their complaint may contact the sheriff to discuss the matter further.

1020.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential peace officer administrative files (Policy Manual § 1026). The contents of such files shall not be disclosed other than as required by law, to the involved employee or authorized personnel, or pursuant to lawful process (RCW 42.56 et seq., and RCW 70.02).

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the department may disclose sufficient information from the employee's personnel file to refute such false representations.

All externally generated formal personnel complaints shall be maintained for a period of no less than five years. All internally generated complaints shall be maintained no less than two years.

All complaints against employees will be maintained by the Office of Professional Standards in either the employee's Administrative File, the Contact File, or in the IAPro database.

1020.9 ANNUAL REVIEW OF PURSUITS, USE OF FORCE INCIDENTS AND INTERNAL INVESTIGATIONS

It is the policy of the Spokane County Sheriff's Office to conduct an overall, collective analysis of all pursuits, use of force incidents, and internal investigations with the intent to identify trends and patterns related to policy, procedure, training, supervision, and/or personnel. This analysis will be conducted by the Sheriff's designee and reviewed by the Sheriff on an annual basis.

Seat Belts

1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to assure maximum operator and passenger safety, thus minimizing the possibility of death or injury as a result of motor vehicle crashes. This policy will apply to all employees operating or riding in department vehicles (RCW 46.61.688, RCW 46.61.687).

1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1022.2.1 TRANSPORTING CHILDREN

An approved child safety restraint system should be used for all children of age, size or weight for which such restraints are required by law. In the event an appropriate approved child safety restraint system is not available the child may be transported by sworn personnel however the child should be restrained in a seat belt (RCW 46.61.687(1)).

The rear seat passenger area in cage-equipped vehicles has reduced clearance which may interfere with the proper use of child safety restraint systems. Because of limited rear seat clearance in these vehicles, children and child restraint systems should be properly secured in the front seat according to the manufacturer's recommendations. Whenever a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated if possible. In the event this is not possible, alternative transportation should be considered.

1022.3 TRANSPORTING PRISONERS

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by safety belts in a seating position for which safety belts are provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

1022.4 INOPERABLE SEAT BELTS

No person shall operate a department vehicle in which any safety belt in the driver's seating position is inoperable. No person shall be transported in a seating position in which the safety restraint is inoperable.

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No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts except for vehicle maintenance and repair and not without the express authorization of the Sheriff.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the Spokane County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR

The Training Sergeant shall ensure that body armor is issued to all deputies when the deputy begins service at the Spokane County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Training Sergeant shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Deputies shall only wear agency-approved body armor.
- (b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when a deputy is working in uniform or taking part in Department range training.
- (e) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled

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(e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1024.4 LEAD FIREARM INSTRUCTOR RESPONSIBILITIES

The Lead Firearm Instructor should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.

Personnel Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention, and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to the exemptions listed in subsections of RCW 42.56.

1026.2 PERSONNEL FILES DEFINED

Peace officer personnel records shall include any file maintained under an individual deputy's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history, including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the deputy participated, or which the deputy perceived, and pertaining to the manner in which the deputy performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Personnel File - That file which is maintained in the office of the sheriff or his/her designee or by the Spokane County Civil Service as a permanent record of a sworn deputy's employment with this department.

Division File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Administrative Files - Those files containing the documentation of formal complaints of employee misconduct or improper job performance and all materials relating to the investigation into such allegations, regardless of disposition.

Contact File - That file maintained by the Office of Professional Standards which contains the documentation of inquiries and initial investigations of alleged employee misconduct or improper job performance and all materials relating to the investigation into such allegations

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regardless of disposition as well as the documentation of any complaints or inquiries where a division commander, undersheriff or the sheriff determines that no further action is deemed necessary or justified.

IAPro Database - That computer database which is maintained by the Office of Professional Standards which contains digital records of Civil Claims/Lawsuits, Employee Commendations, Internal and External Personal Complaints, Inquiries, Firearms Discharges, In-Custody Deaths, Use of Force Reports, Vehicle Accidents and Vehicle Pursuits.

Medical File - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

Pre-employment personnel files, including background information psychological and polygraph results, will also be maintained in the office of the sheriff or his/her designee or by the Spokane County Civil Service. Such files shall be kept separately from other personnel files.

All employee records will be secured and available only to persons authorized to access such information.

1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

In general, unless expressly stated by statutory exception, personnel records are subject to public disclosure. To the extent possible, all personnel records, whether or not subject to public disclosure, should be maintained as private records. Access to personnel files should be limited to only those local government employees who are needed to maintain the files and those who have a legitimate need for access or legal right to access. All of the personnel records listed in Policy Manual § 1026.2 shall be deemed private, and access to such files will be limited to only those Department or County employees who are needed to maintain the files and those who have a legitimate need for access. Nothing in this section is intended to preclude review of personnel files by the Chief Executive Officer, Prosecuting Attorney, or other attorneys or representatives of the County in connection with official business.

1026.5 REQUESTS FOR DISCLOSURE

All records kept by Washington State public agencies are considered public unless they are covered by specific disclosure statutes (RCW 42.56.070).

- (a) Private personnel records that are exempted from public disclosure include:
1. Applications for public employment (RCW 42.56.250).
 2. Residential addresses and telephone numbers (RCW 42.56.250).
 3. Performance evaluations which do not discuss specific instances of misconduct.
 4. Medical information (RCW 70.02).
 5. Industrial insurance (workers' compensation) claim files and records (RCW 51.28.070).
 6. Employee identification numbers.
 7. Taxpayer information, such as tax withholding data (RCW 42.56.230(4)).
- (b) Records that are not covered by other specific disclosure exemption statutes must be made available for inspection and copying. This includes the following private personnel records:

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1. Employee advancement or discipline reports.
2. Personnel complaint investigations after such investigations have been completed or are no longer under review or deliberation.
3. Department reports to CJTC regarding the separation from employment of a deputy.

When complaint investigations are complete and found to be unsubstantiated (not-sustained, exonerated or unfounded) the names and identifying information of the subject employee is protected from public disclosure. In such cases, the Records Manager shall ensure that the name and other identifying information of the subject employee is redacted before the document or documents are released.

All requests for the disclosure of any information contained in any deputy's personnel record shall be documented in writing and promptly brought to the attention of the employee's Division Commander, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel record shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved deputy or written authorization of the Sheriff or his/her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor.

The disposition of any citizen's complaint may be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the deputy who is the subject of the investigation (or the deputy's representative) publicly makes a statement which is published in the media and which the deputy (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1026.6 EMPLOYEE ACCESS TO OWN FILE

Employees may be restricted from accessing files containing any of the following information:

- (a) Background information, letters of recommendation, test results, and promotional assessments.

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- (b) Ongoing Internal Affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline, consistent with applicable law.

Any employee may request access to his/her own personnel record(s) during the normal business hours of the individual(s) responsible for maintaining such record(s). Any employee seeking the removal of any item from his/her personnel record shall file a written request to the Sheriff through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed. If the contested item is not removed from the record, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file (RCW 49.12.250).

1026.7 TYPES OF PERSONNEL FILES

Member personnel records can be located through the Administrative Secretary.

1026.7.1 PERSONNEL FILE

The personnel file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained.
- (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education should be maintained.
 - 1. It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
 - 2. The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's training file.
- (c) Commendations shall be retained in the employee's personnel file, with a copy provided to the involved employee(s).
- (d) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.
- (e) A photograph of the employee.

1026.7.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations.
 - 1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file.
 - 2. Duplicate copies of items that will also be included in the employee's personnel file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
 - 3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

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- (b) Adverse comments such as supervisor log entries may be retained in the personnel file or division file after the employee has had the opportunity to read and initial the comment and for a period up to one year.
 - 1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days.
 - 2. Any such employee response shall be attached to and retained with the original adverse comment.
 - 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.
- (c) All rules of confidentiality and disclosure shall apply equally to the division file.

1026.7.3 ADMINISTRATIVE FILE

The administrative file shall be maintained under the exclusive control of the Office of Professional Standards in conjunction with the Office of the Sheriff. Access to these files may only be approved by the sheriff or the supervisor of the Office of Professional Standards. These files shall contain:

- (a) Disciplinary action
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's administrative file at least two years.
 - 2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's administrative file at least six years.
 - 3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall be maintained in the individual employee's administrative file at least six years.
- (b) The complete investigation of all formal complaints of employee misconduct regardless of disposition
 - 1. Each internal investigation file shall be sequentially numbered within a calendar year (e.g., 07-0001, 07-0002).
 - 2. Each internal investigation file arising out of a citizen's formal complaint shall be maintained no less than current plus six years. Internal investigation files arising out of internally generated complaints shall be maintained no less than two years.
- (c) Investigations which result in other than a sustained finding shall be maintained for the minimum statutory period, but may not be used by the Sheriff's Office to adversely affect an employee's career.

1026.7.4 TRAINING FILES

An individual training file shall be maintained by the Training Unit for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

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- (a) It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1026.7.5 MEDICAL FILE

The Medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
- (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1026.7.6 CONTACT FILE

The Contact File contains:

The documentation of inquiries and initial investigations of alleged employee misconduct or improper job performance and all materials relating to the investigation into such allegations regardless of disposition as well as the documentation of any complaints or inquiries where a division commander, undersheriff or the sheriff determines that no further action is deemed necessary or justified.

1026.8 PURGING OF FILES

Personnel records shall be maintained and destroyed as specified in the current [Records Management Guidelines and General Records Retention Schedules](#) (Schedule Number L02 and L03). The Local Government General Records Retention Schedule (LGRRS) is the controlling schedule for records retention and management ([RCW](#) Chapter 40.14).

- (a) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Sheriff.
- (b) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Sheriff, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution or other lawful records retention schedules.

Request for Change of Assignment

1028.1 PURPOSE AND SCOPE

It is the intent of the Sheriff's Office that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment form. The form should then be forwarded through the chain of command to their Division Commander.

1028.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request form.

1028.3 SUPERVISOR'S COMMENTARY

The deputy's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Division Commander of the employee involved. In the case of patrol deputies, the Shift Commander must comment on the request with his/her recommendation before forwarding the request to the Division Commander. If the Shift Commander does not receive the Change of Assignment Request Form, the Division Commander will initial the form and return it to the employee without consideration.

It is the Division Commanders responsibility to see that the requests for change of assignment are entered into the database for tracking.

Employee Commendations

1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 WHO MAY MAKE COMMENDATIONS

Nominations for any Sheriff's Office award will normally be made by the commanding officer of the individual concerned. However, any employee of the Sheriff's Office may submit nominations by documenting the basis for such nomination. All nominations will be documented in memorandum form and forwarded through channels to the Awards Board. The documentation must include the time or period of time, date or dates, place or places, and a detailed description of the act or services performed which meets the eligibility requirements as set forth.

1030.2.1 AWARDS BOARD MEMBERSHIP

Awards Board members will normally serve a term of one year with staggered terms to maintain continuity. Any member's term may be extended. The Awards Board will consist of the following members:

- (a) Undersheriff
- (b) A Captain or Lieutenant
- (c) A Deputy
- (d) The Public Information Officer
- (e) Two noncommissioned employees designated by the Sheriff

1030.2.2 AWARDS BOARD RESPONSIBILITY

It will be the responsibility of the Awards Board to develop the criteria for determining the applicability of each award to be presented. The Board will review the award recommendation of nomination. The Awards Board will forward a recommendation to the Sheriff. Should the Sheriff or the Board not approve the award, the Board will respond to the person who made the nomination.

1030.2.3 HONORS NOT REQUIRING AWARDS BOARD ACTION

Written commendations recognizing excellent performance of duty which should be documented do not require Awards Board action.

Outstanding Citizen Awards will be awarded to citizens who have rendered invaluable assistance to the Sheriff's Office.

1030.3 AWARDS

It is the intent of the Sheriff's Office that various acts or meritorious accomplishments will be publicly recognized when those acts or accomplishments are determined to be conspicuously outstanding acts of heroism, or exceptionally meritorious, or acts which are above and beyond those normally expected. The following are the awards for the Sheriff's Office:

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Medal of Valor - The Medal of Valor is the highest recognition of outstanding achievement presented by the Sheriff's Office. The Medal of Valor will be awarded to Sheriff's Office personnel who distinguish themselves with extraordinary acts of bravery or heroism above and beyond that normally expected in the line of duty. Personnel must have displayed extreme courage by placing their own safety in immediate peril in an effort to provide protection or preservation of life. Recipients of the Medal of Valor will receive:

- A certificate suitably inscribed to recount in some detail the reason the award was given.
- A gold medallion inscribed with the recipient's name and the date of the incident.
- A metal bar approximately 1/4 inch by 1 inch, green in color with a gold colored boundary with two gold stars centered in the green section. This bar may become a permanent part of the uniform and may be worn on the right side of the uniform shirt, centered above the name tag.

Medal of Merit - The Medal of Merit will be awarded to Sheriff's Office personnel who distinguish themselves by meritorious achievement or meritorious service. Meritorious actions are those clearly exceeding that which is normally required or expected. The degree of merit need not be unique but must be exceptional and superior. Acts of courage, which do not meet the voluntary risk of life required for the Medal of Valor may be considered for the Medal of Merit. Recipients of the Medal of Merit will receive:

- A certificate suitably inscribed to recount in some detail the reason the award was given.
- A silver medallion inscribed with the recipient's name and the date of the incident.
- A metal bar approximately 1/4 inch by 1 inch, green in color with a gold colored boundary with one gold star centered in the green section. This bar may become a permanent part of the uniform and may be worn on the right side of the uniform shirt, centered above the name tag.

Purple Heart - The Purple Heart will be awarded to Sheriff's Office personnel who receive a wound or injury of a degree necessitating hospitalization or the immediate care of a physician. This injury must be of a serious nature inflicted by a weapon or instrument capable of causing death or permanent disability. To qualify for this award, the wound or injury must have appeared to have been caused by the direct actions of another during the commission of a crime, which causes injury to the deputy or some other person, thing or property. The other person need not have actual intent to harm the deputy. Recipients of the Purple Heart will receive:

- A certificate suitably inscribed to recount in some detail the reason the award was given.
- A silver medallion inscribed with the recipient's name and the date of the incident.
- A metal bar approximately 1/4 inch by 1 inch, purple in color on which is centered a silver star. This bar may become a permanent part of the uniform and may be worn on the right side of the uniform shirt, centered above the name tag.

Lifesaving Medal - The Lifesaving Medal will be awarded to Sheriff's Office personnel who, by their immediate actions, have saved a human life under unusual and/or extraordinary circumstances. The member must have personally performed the action. A competent authority must confirm the life sustaining action. Recipients of the Lifesaving Medal award will receive:

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- A certificate suitably inscribed to recount in some detail the reason the award was given.
- A silver medallion inscribed with the recipient's name and the date of the incident.
- A metal bar approximately 1/4 inch by 1 inch, red in color on which is centered a silver star. This bar may become a permanent part of the uniform and may be worn on the right side of the uniform shirt, centered above the name tag.

Unit Merit Citation - To be awarded to a unit and the individuals participating in an incident that had a substantial positive impact on the community. To be used in situations that do not amount to the criteria required for the Medal of Merit, but exceeds letters of commendations. Requirements include: Competence demonstrated by the effectiveness of a positive result to the community; a positive impact on the public welfare either directly or indirectly as a result of their continuous on going team effort; exceeds the level of performance that is expected by the public. Recipients of the Unit Merit Citation will receive:

- A certificate suitable for display in the units work area or roll call area.
- Certificates for each employee involved in the situation that precipitated the nomination for the award.
- A metal bar approximately 1/4 inch by 1 inch, blue in color on which is centered a bronze star. This bar may become a permanent part of the uniform and may be worn on the right side of the uniform shirt, centered above the name tag or as a lapel pin for non-uniform employees.

Annual Unit Merit Award - To be awarded to that unit whose members have distinguished themselves and the Sheriff's Office, thereby having a positive impact on the community confidence in its law enforcement professionals. Members must display professional competence, effective teamwork and esprit de corps that exceeds what might be normally expected. This award need not be awarded for the unit's performance in a single incident, but may be awarded for maintaining higher performance standards throughout the year. Recipients of the Annual Unit Merit Award will receive:

- A framed certificate of acknowledgment for the unit to display.
- The unit's name will be added to a plaque that shall be prominently displayed for public viewing.

Sheriff Star Award - To be awarded at the direction of the Sheriff. Recipient of the Sheriff Star award will receive:

- A plaque for display with the name and year of the award.
- For commissioned personnel: a gold medallion inscribed with the recipient's name and year.
- A metal bar approximately 1/2 inch by 1 1/2 inch, green in color with a raised gold colored boundary with one raised gold star centered in the green section. This bar may become a permanent part of the uniform and may be worn on the right side of the uniform shirt, centered above the name tag.

Other Awards - Any award from outside the Sheriff's Office may be worn on the uniform with the written approval of the Sheriff.

Fitness for Duty

1032.1 PURPOSE AND SCOPE

All deputies are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all deputies of this department remain fit for duty and able to perform their job functions.

1032.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.
- (b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Department to assess options and react responsibly to assure the safety of the employee, other members of the Department and the public, while complying with the employee's legal rights.
- (d) In conjunction with the Shift Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

1032.4 RELIEF FROM DUTY

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family medical leave under state and/or federal law. Consult with Human Resources to assure proper notification and compliance with family medical leave rights. Employees who are relieved from duty for medical reasons may be eligible for workers compensation payments, or he/she may be required to use sick leave or other paid time off (PTO) consistent with applicable policies.

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Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

1032.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Spokane County Civil Service to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining health care provider will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. The scope of the requested fitness for duty report shall be confined to the physical or psychological condition that prompted the need for the examination. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) In the event an employee is required to submit to a "fitness for duty" examination as a condition of returning from medical leave required under the Family Medical Leave Act (FMLA), contact Human Resources for direction regarding how to proceed.
- (g) Once an employee has been deemed fit for duty by the examining health care provider, the employee will be notified to resume his/her duties.

1032.6 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 14 hours in one day (24 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

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1032.7 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Conduct Policy.

Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks shall conform to all collective bargaining agreements.

Lactation Break Policy

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify Combined Communication Center or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be sanitary, shielded from view, and free from intrusion from co-workers and the public (29 USC § 207 and RCW 43.70.640).

Employees occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

Overtime Payment Requests

1038.1 PURPOSE AND SCOPE

It is the policy of the Sheriff's Office to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreements, or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1038.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Sheriff's Office. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 480 hours of compensatory time.

1038.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Division. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1038.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Shift Commander. Employees submitting overtime forms for on-call pay when off duty shall submit forms to the immediate supervisor the first day after returning for work.

1038.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

The overtime payment request form is forwarded to the administration staff.

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Collective Bargaining Agreements provide that a minimum number of hours will be paid,

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(e.g., three hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

1038.3.1 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other deputy, the Shift Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

Outside Employment

1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. In all cases of extra duty and outside employment, the primary duty and obligation of an employee is at all times to the Sheriff's Office. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

1040.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Extra Duty Employment - This entails deputies working law enforcement or security related assignments whether in uniform or not. All deputy assignments will come through Special Events/Extra Duty Employment. Assignments for work details will be scheduled in accordance with extra duty employment standard operating procedures and applicable collective bargaining agreements.

1040.1.2 LIMITATIONS ON EXTRA DUTY AND OUTSIDE EMPLOYMENT

On duty restrictions - Employees shall not engage in extra duty or outside employment while on duty.

On call restrictions - For purposes of eligibility for extra duty assignments, an employee who is "on-call" is not deemed eligible for such assignment.

Ability to perform - Employees shall not engage in outside employment that adversely impacts their ability to perform duties as Sheriff's Office employees.

Primary obligation - Employees are subject to call by the department at any time for emergencies, special assignment, or overtime duty. Outside employment shall not infringe on this obligation.

Misuse of authority - Employees shall not misuse the authority of their office while engaged in extra duty or outside employment.

Duty status - An employee engaged in authorized extra duty employment of a police nature is considered to be in an on duty status. Deputies shall not engage in extra duty work if they are on injured or light duty status with the Sheriff's Office.

Failure to report for duty - If an employee fails to report or reports late for a contracted extra duty job, the same procedures will apply that pertain to unexcused absence or tardiness for regular duty. The employee working extra duty is on duty in the employ of the Spokane County Sheriff's Office under the contracted agreement through the department and as such

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is subject to the same provisions as other duty assignments. Violations will be reported through the chain of command.

Compensation to employees - Employees shall be compensated by the county and shall not accept compensation directly from any extra duty employer, and shall accrue all benefits in accordance with law and collective bargaining agreements. Deputies shall not enter into their own contracts for such services.

Use of county equipment - County equipment utilized by employees during extra duty employment may be charged to the outside extra duty employer. Generally, sheriff vehicles will be a contract item, unless it is determined to be in the best interest of the Sheriff's Office. The Special Events/Extra Duty Employment Office will determine the costs associated with the equipment and the appropriateness of utilizing sheriff vehicles during such employment.

Law enforcement obligation - Employees engaged in extra duty employment are expected to discharge all duties of their office, to enforce all laws and ordinances, and to adhere to all Sheriff's Office policies and procedures.

Supervision - Whenever an outside extra duty employer requests four or more employees to work an extra duty assignment, a supervisor may also be required to direct the employees' activities. When employees are working at an extra duty assignment without authorized supervision, the employees are responsible to the on duty Patrol Division Shift Commander.

Volunteering of time - Deputies are not allowed to donate time in uniform or of a law enforcement nature, when that function is similar to duties performed for the Spokane Sheriff's Office.

1040.2 OBTAINING APPROVAL

No member of the Sheriff's Office may engage in any extra duty and outside employment without first obtaining prior written approval of the Sheriff or designee. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for Extra Duty or outside employment, the employee must complete an Extra Duty or an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Sheriff or designee for consideration.

If approved, the employee will be provided with a copy of the approved authorization. Employees shall not engage in outside/extra duty employment during the initial probation period (entry-level) without written approval of the Sheriff or designee. Unless otherwise indicated in writing on the approved authorization, an outside employment authorization will be valid through the end of the calendar year in which the authorization is approved. Any employee seeking to renew an authorization shall submit a new Outside Employment Application in a timely manner. An authorization to work extra duty does not require yearly renewal.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

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1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Sheriff within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the employee's current collective bargaining agreement.

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT AUTHORIZATION

Any extra duty or outside employment authorization may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at the Sheriff's Office decline to a point where it is evaluated by a supervisor as below acceptable standards, the Sheriff may, at his/her discretion, suspend or revoke any previously approved extra duty and/or outside employment authorization(s). That suspension or revocation will stand for a set period of time. At the completion of this set time, the employee may apply for reinstatement of privileges. Satisfactory job performance and the recommendation of the employee's immediate supervisor are required.
- (b) Suspension or revocation of a previously approved extra duty and/or outside employment authorization may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment authorization, an employee's conduct or outside employment conflicts with the provisions of the Sheriff's Office policy, the authorization may be suspended or revoked.
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment authorization may be rescinded until the employee has returned to a full duty status.

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which, in its view, would:

- (a) Involve the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.
- (b) Involve the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.
- (c) Involve the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.
- (d) Involve time demands that would render performance of the employee's duties for this department less efficient or render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

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1040.3.1 OUTSIDE SECURITY EMPLOYMENT

Because it would further create a potential conflict of interest, no member of this Department may engage in any outside employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking outside security services from members of this department must submit a request to the Sheriff through the Extra Duty Employment Office of the department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, participating employees shall be subject to the following conditions:
 1. The deputy(s) shall wear the Sheriff's Office uniform/identification.
 2. The deputy(s) shall be subject to the rules and regulations of the Sheriff's Office.
 3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Sheriff's Office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment and should be reported as time worked on employee time records.

1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover deputies or deputies assigned to covert operations shall not be eligible to work in a uniformed or other capacity which might reasonably disclose the deputy's status as a law enforcement officer.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1040.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work authorization. If, after approving a request for an outside employment position, the Department becomes

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concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work authorization may be revoked pursuant to Policy Manual § 1040.22(c)

1040.5 MATERIAL CHANGES OR TERMINATION OF OUTSIDE EMPLOYMENT

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Sheriff through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees are also required to disclose material changes in outside employment that occur after approval of outside employment has been granted to the Sheriff in writing. For the purpose of this policy, such changes include any material change in the number of hours, type of duties or demands of outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work authorization, a notice of revocation of the member's authorization will be forwarded to the involved employee, and a copy attached to the original work authorization.

Criteria for revoking the outside employment authorization include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Spokane County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the authorization.

On Duty Injuries

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to the Spokane County Sheriff's Office to ensure that proper medical attention is received, and that the circumstances of the incident are properly documented.

1042.2 WORKER'S COMPENSATION FUND REPORTS

1042.2.1 INJURIES REQUIRING MEDICAL CARE

Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor Accident Injury Report (SAIR). This report shall be completed and signed by a supervisor.

All work related injuries and work-related illnesses requiring medical care must be reported to shift supervisor within 24 hours from the time the injury was discovered, excluding weekends and holidays and will be reported to the Risk Management Office who will provide a Self-Insurer Accident Report (SIF-2) claim form F207-002-000 (WAC 296-15-320(2)).

1042.2.2 ACCIDENT DEFINED

Accident - Is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1042.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Sheriff's Office policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Sheriff's Office. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to their immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such

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On Duty Injuries

employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

All employees are required to fully cooperate with accident investigations in accordance with collective bargaining agreements.

1042.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined in this policy. Updated copies of forms with instructions for completion provided by Risk Management are kept in the Sergeant's office. Employees who request a Self-Insurer Accident Report (SIF-2) form F207-002-000 shall be provided the form (WAC 296-15-320(2)).

For work-related accidents, injuries, and illnesses not requiring professional medical care, a Supervisor's Report of Injury form shall be completed in triplicate. All copies of the completed form shall be forwarded to the supervisor's Division Commander, through the chain of command.

When an accident, injury or illness is reported initially on the "Supervisor's Report of Injury" form and the employee subsequently requires professional medical care, the State of Washington "Employer's Report of Occupational Injury or Illness" form shall then be completed. The injured employee shall also sign the form in the appropriate location.

The supervisor shall complete an administrative report and forward it and all copies of any reports documenting the accident or injury to the Division Commander as soon as they are completed.

Supervisor shall notify Risk Management of any on-duty injuries and shall immediately notify the Risk Manager of any serious injury or fatality.

Supervisors shall initiate a command page for those injuries requiring medical attention.

Copies of any reports documenting the accident or injury should be forwarded to the Division Commander as soon as they are completed.

1042.2.5 DIVISION COMMANDER RESPONSIBILITY

The Division Commander receiving a report of a work-related accident, injury or illness should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff.

1042.2.6 SHERIFF RESPONSIBILITY

The Sheriff shall review and forward copies of the report to Spokane County Risk Management. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1026).

1042.3 INJURY AND ILLNESS NOT REQUIRING MEDICAL ATTENTION

Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Report of Injury form. This form shall be completed and signed by a supervisor.

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On Duty Injuries

The Sheriff's Office may require an employee to obtain a medical release prior to returning to duty.

1042.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the County, and/or other insurers are entitled to recover civilly. To ensure that the County's interests are protected and that the employee has the benefit of the County's experience in these matters, the following procedure is to be followed:

1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall make a written report of this contact to his/her supervisor as soon as possible, which shall be forwarded through the chain-of-command to Risk Management.

1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

All settlements will be coordinated through Risk Management.

Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance in a manner that projects a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Sheriff or his/her designee.

1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to deputies or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger. Uniformed female deputies wearing nail polish shall use a conservative shade, without decals or ornamentation, and shall not detract from uniform appearance.

1044.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by deputies on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Sheriff or his/her designee. Deputies may wear earrings

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Personal Appearance Standards

that do not present a safety hazard. Earrings must be a post with a safety back and shall be no larger than a 1/4 inch in diameter. Earrings shall not display graphic images, pictures, or slogans of an offensive nature or religious symbolism. Earrings shall be limited to one earring per ear. Only one ring set may be worn on each hand of the employee while on-duty.

1044.3 TATTOOS

While on-duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related or obscene language.

1044.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Sheriff. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Spokane County Sheriff's Office is established to ensure that uniformed deputies will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 348.5 - courtroom attire.

Section 700 - Department Owned and Personal Property.

Section 1024 - Body Armor.

Section 1044 - Grooming Standards.

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Sheriff or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications. Located at [\\spokanecounty.org/countysheriff/Data/LexipolPolicy](http://spokanecounty.org/countysheriff/Data/LexipolPolicy)

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and professional.
- (b) All commissioned deputies of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform their uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) Division commanders may make exceptions to the uniform and equipment policy for specialized assignments. Division commanders may order a uniform of the day for special occasions, or for specific periods of time.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or his/her designee.

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1. Wrist watch.
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
3. Medical alert bracelet.

1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Sheriff's Office issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1046.2.2 MOURNING BADGE

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) A deputy of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer or deputy from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Sheriff.

1046.3 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) For a professional appearance of the employee's attire employee's should consider the nature of their work, safety considerations (including safety equipment as determined by Spokane County Risk Management and the Department of Labor and Industries), the nature of their public contact and normal expectations of outside parties with whom they will work.
- (b) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (c) Shirts, blouses and sweaters must be professional. A polo style shirt is acceptable. These shirts may be worn with a department approved emblem, any law enforcement related emblem or Spokane County related logo. The individual unit name can be placed on the sleeve if desired. Division commanders may grant exceptions.
- (d) Dress slacks or comparable trousers are appropriate and must appear well kept and business like. Blue jeans, denims and like materials may be worn at the discretion of the Division Commander.

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- (e) Dresses, skirts and shorts will present a business like appearance.
- (f) Business work footwear is required. Dress sandals presenting a business like appearance are allowed.
- (g) Hair should be clean, combed and neatly trimmed or arranged. This pertains to sideburns, mustaches, and beards, as well. Shaggy unkempt hair is not permissible.
- (h) Good personal hygiene habits must be maintained.
- (i) The following items shall not be worn on duty:
 - 1. Halters, strapless, spaghetti strap or tube tops.
 - 2. Tattered or faded trousers are considered inappropriate.
 - 3. Swimsuit.
 - 4. Spandex type pants or see-through clothing.
 - 5. Distasteful printed slogans, buttons or pins.
- (j) Variations from this order are allowed at the discretion of the Division Commander when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (k) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Spokane County Sheriff's Office or the morale of the employees.

1046.4 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, Spokane County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Spokane County Sheriff's Office, to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast or any website.

1046.5 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
 - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700).

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1046.6 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Spokane County Sheriff's Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

Spokane County Sheriff's Office employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1050.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department does not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

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Nepotism and Conflicting Relationships

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
 - (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
 - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender, or who engages in serious violations of state or federal laws.
 1. A convicted felon who has shown a change in behavior over a period of five years with no involvement in criminal activity is excluded.

1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninformed, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninformed, immediate supervisor. In the event that no uninformed supervisor is immediately available, the employee shall promptly notify dispatch to have another uninformed employee either relieve the involved employee or minimally remain present to witness the action.

1050.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations, whenever possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

Domestic Violence Involving Law Enforcement Employees

1052.1 PURPOSE AND SCOPE

This policy establishes procedures, protocols and actions for investigating and reporting domestic violence involving employees of this and other law enforcement agencies. The intent of this policy is to ensure that law enforcement employees are held to the standards of the law regarding domestic violence (RCW 10.99.090).

1052.1.1 DEFINITIONS

Agency - Means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

Employee - Means any person currently employed with an agency.

Sworn Employee - Means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under RCW Chapter 36.28.

1052.2 DEPARTMENT RESPONSIBILITIES

Spokane County Sheriff's Office has the following obligations (RCW 10.99.030 and 10.99.090):

- (a) Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence, child abuse allegations, or have been subject to protective order.
- (b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.
- (c) Provide education to Spokane County Sheriff's Office employees on the dynamics of interpersonal violence.
- (d) In response to observed behavior or at the request of the employee, the Spokane County Sheriff's Office may offer or recommend intervention services to employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.
- (e) Any employee who becomes aware of domestic violence committed by a sworn employee must immediately report that allegation to their supervisor.
- (f) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.
- (g) Provide information to employing law enforcement agencies within 24 hours of a domestic violence or domestic dispute report involving a sworn officer.
- (h) Provide information on this domestic violence policy and programs under RCW 26.50.150 to employees and make it available to employee families and the public.
- (i) Provide victims of domestic violence by Spokane County Sheriff's Office employees a department point of contact to assist the victim through the investigative process.

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Domestic Violence Involving Law Enforcement Employees

Consideration should be given to selecting a point of contact at least one rank higher than the perpetrator, and would ideally be someone other than the investigator.

- (j) Provide victims of domestic violence by Spokane County Sheriff's Office employees contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim's information.
- (k) Respond to Spokane County Sheriff's Office employees who are alleged victims of violence at the hands of sworn employees of the Spokane County Sheriff's Office. Safety concerns and domestic violence services information will be reviewed with the victim employee.
- (l) Provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by a sworn employee and appropriate sanctions when it is found that an employee has committed an act of domestic violence. Administrative investigations may be conducted by the Spokane County Sheriff's Office or through agreements with other law enforcement agencies
- (m) Consider whether to relieve a sworn employee of Department-issued weapons and suspend law enforcement powers pending resolution of an investigation.

1052.2.1 SUPERVISOR RESPONSIBILITIES

Supervisors are required to:

- (a) Be aware of behaviors in their subordinates that could be indicative of domestic violence and properly process observations of such behavior.
- (b) Ensure that domestic violence incidents are properly recorded and processed according to this policy.

1052.2.2 SHIFT COMMANDER RESPONSIBILITIES

A Shift Commander notified of an incident covered by this policy shall notify the Sheriff promptly of such incident and:

- (a) If an SCSO employee is involved they shall:
 - 1. Determine if the involved employee's law enforcement powers shall be suspended and if duty weapon, and other Department-owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.
 - 2. Issue an administrative order prohibiting contact with the victim if appropriate.
 - 3. Forwarded information on the incident to the professional standards unit and/or the Sheriff for review and further action.
 - 4. Respond or designate a command officer to respond to a scene if the involved employee is a sergeant or above or if the situation dictates command presence.
- (b) If an employee of another law enforcement agency is involved they shall:
 - 1. Verify command notification of the employing agency.
 - 2. Verify the supervisor has offered assistance with removing weapons, police powers, etc.
 - 3. Ensure that the Spokane County Sheriff's Office provides appropriate reports and any other requested documentation to the employing agency.

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1052.2.3 DOMESTIC VIOLENCE SPECIALIST RESPONSIBILITIES

- (a) In all instances of law enforcement domestic violence the Domestic Violence Specialist or DV Unit Supervisor shall:
 - 1. Review the report and assign the criminal investigation or coordinate with the agency of jurisdiction.
 - 2. Coordinate with the appropriate prosecutor's office regarding charging and prosecution.
 - 3. Coordinate with the appropriate domestic violence advocacy organization to assist with victim safety concerns. Victim notification of each step of the administrative process is critical to victim safety.
- (b) All completed investigations of domestic violence that reveal probable cause of a crime committed by any agency sworn employees or the agency head shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.
- (c) For all situations involving an employee of this department, the Domestic Violence Specialist or DV Unit Supervisor shall:
 - 1. Contact the victim.
 - 2. Introduce the point of contact.
 - 3. Provide an update regarding the administrative process.

1052.3 EMPLOYEE ACTIONS

Law enforcement employees have the following obligations or entitlements (RCW 10.99.090):

- (a) Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains, or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist is critical.
- (b) Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or the Office of Professional Standards as soon as possible, but no later than 24 hours. Failure to report may subject the employee to disciplinary action.
- (c) Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.
- (d) Employees should be alert to the likelihood of victim or witness intimidation and shall immediately take appropriate action. This action will include, but is not limited to the report to their supervisor or the Office of Professional Standards within 24 hours.
- (e) Employees are expected to fully cooperate with the investigation of allegations under this Policy but only as requested by a supervisor, the Office of Professional Standards or by court subpoena.
- (f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.
- (g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or RCW 26.50 or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to his/her supervisor. A written report must follow within

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24 hours to include a copy of any order and any notices of court dates, appearances, and proceedings received by the employee.

1052.4 INCIDENT RESPONSE

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation and a complete written report by this department (RCW 10.99.030). These incidents additionally require:

- (a) On-scene supervisory presence.
- (b) Notification through the chain of command to the Sheriff of this department; and if the incident involves employees of another agency, notification of the agency head of the employing agency.
- (c) The Sheriff may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated the Domestic Violence Specialist or Domestic Violence Unit should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The point of contact or unit supervisor should review each referral for any potential conflict of interest
- (d) In the event of a report of domestic violence alleged to have been committed by the Sheriff, prompt notification will be made to the County's Prosecutor.

1052.4.1 RADIO RESPONSE

Employees of Combined Communication Center will ensure the following actions are taken:

- (a) Enter a call for service.
- (b) Notify the Shift Commander or appropriate supervisor. If no supervisor is available to respond to the scene, communications will notify an on-call supervisor or supervisor from another agency.
- (c) Prepare and preserve documentation of the facts of the call, including the 9-1-1 tape.

1052.4.2 PATROL RESPONSE

A patrol deputy responding to an incident described as domestic violence involving a law enforcement officer should, whenever possible, request a supervisory response.

- (a) The primary unit will conduct a thorough investigation, including, but not limited to:
 - 1. Photographs of the crime scene and any injuries identified.
 - 2. Statements from all witnesses, including children, if any.
 - 3. The Domestic Violence Supplemental Report Form.
 - 4. Seizure of any weapons used or referred to in the crime.
 - 5. Signed medical releases.
 - 6. Copies of dispatch (CAD) records.
 - 7. 9-1-1 call recording preserved.
 - 8. Statement of the victim; statement of the suspect.
 - 9. Determine if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
 - 10. Complete the report as soon as possible, but prior to the completion of their shift.

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- (b) Patrol units responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, etc. or other troubling event involving law enforcement officers will complete written reports of the incident.
- (c) A copy of all reports of the incident should be forwarded to the Domestic Violence Unit or Specialist. Access to the report should then be restricted to some form of read only version or physically secured.

1052.4.3 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

- (a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this department regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.
- (b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Spokane County Sheriff's Office involving any law enforcement officer.
- (c) Coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.
- (d) Write a report on all incidents, whether deemed criminal or not and route it through the chain of command.
- (e) In the event of the arrest of a sworn employee of the Spokane County Sheriff's Office, contact the Sheriff who will order the surrender of the deputy's Department-issued weapons and identification. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.
- (f) In the event of the arrest of a sworn employee of another agency, contact that agency prior to custody transport and request authorization to seize that employee's agency-issued weapons or arrange for the employing agency to obtain them.
- (g) Endeavor to make a good faith effort to locate the suspect if there is probable cause for an arrest.
- (h) Explain the process to the victim, including the opportunity for applicable emergency protection orders, administrative no-contact orders, and confidentiality statutes and policies.
- (i) Provide the victim with a copy of this policy and SCSO contact information, acting as the point of contact until another assignment is made.

1052.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Spokane County Sheriff's Office will work with community resources and domestic violence advocacy agencies and shall make available to the victim (RCW 10.99.090):

- (a) Information on how to obtain protective orders and/or removal of weapons from his/her home.
- (b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.
- (c) A copy of this policy and any agency confidentiality policy.
- (d) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.

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- (e) Information related to relevant confidentiality policies related to the victim's information and public disclosure as provide by law.
- (f) The Spokane County Sheriff's Office will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

Department Badges

1054.1 PURPOSE AND SCOPE

The Spokane County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Spokane County Sheriff's Office are the property of the Sheriff's Office and their use shall be restricted as set forth in this policy.

1054.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1054.2.1 FLAT BADGE

Sworn deputies may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) A deputy may sell, exchange, or transfer the flat badge he/she purchased to another deputy within the Spokane County Sheriff's Office.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in Policy Manual 700.
- (c) An honorably retired deputy may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1054.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1054.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may be given a duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1054.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

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Department Badges

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Sheriff.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1054.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Spokane County Sheriff's Office.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

Modified Duty Assignments

1056.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified duty assignment is subject to the approval of the Sheriff or his/her designee.

Modified duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1056.2 DEFINITIONS

Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

1056.3 LIMITATIONS

Modified duty assignments are a management prerogative and not an employee right. Modified duty assignments shall be subject to continuous re-assessment dependent upon Department need and the employee's ability to perform in a modified duty capacity.

An injured employee may be assigned a modified duty position outside of his/her normal assignment or duties if it becomes available.

- (a) If an employee cannot adequately perform in a modified duty assignment, such assignment may be modified or terminated.
- (b) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified duty assignment.
- (c) The Department may place conditions as deemed appropriate upon any modified duty assignment.

1056.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Division Commander or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Division Commander will determine what modified duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified duty assignment of 20 hours or less may be approved and facilitated by the Shift Commander or Division Commander. Assignments of longer duration are subject to the approval of the Sheriff or his/her designee.

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Modified Duty Assignments

The employer, Risk Manager and employee's physician must approve of the modified duty.

1056.4.1 MODIFIED DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1056.4.2 ACCOUNTABILITY

The employee's supervisors shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Division Commander apprised of the employee's status and ability to perform the modified duty assignment. Modified duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Division Commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Sheriff.
- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1056.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1056.5 PREGNANCY

It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

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Modified Duty Assignments

1056.5.1 EMPLOYEE NOTIFICATION

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

1056.5.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Division Commander, who will consider assigning the employee to an available temporary modified duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the County Personnel Rules and Regulations regarding family and medical care leave.

1056.6 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

1056.7 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

Employee Speech, Expression and Social Networking

1060.1 PURPOSE AND SCOPE

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

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

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

1060.1.1 APPLICABILITY

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

1060.2 POLICY

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

1060.3 SAFETY

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

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

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Employee Speech, Expression and Social Networking

1060.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

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

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Spokane County Sheriff's Office or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Spokane County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Spokane County Sheriff's Office or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Spokane County Sheriff's Office.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee (RCW 9A.68.020).
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Spokane County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

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

1060.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Spokane County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Spokane County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Spokane County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1060.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if accessed through department computers or networks.

1060.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

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- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1060.7 OFFICIAL USE OF SOCIAL MEDIA

The Spokane County Sheriff's Office endorses the official secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this department's position on the utility and management of social media and provides guidance on its management, administration, and oversight and should be used in conjunction with the Spokane County Sheriff's Office Community Outreach and Communication Plan. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

1060.7.1 OFFICIAL USE SOCIAL MEDIA DEFINED

Social media includes, but is not limited to, the following methods to disseminate information: blogs, micro blogs, wikis, social networking sites, multimedia sharing sites, bulletin boards, and any platform that allows for the creation of a public profile and direct, and unfiltered two-way communications with the public outside of the departments regular email system.

1060.7.2 DEPARTMENT SANCTIONED PRESENCE

All department social media sites or pages shall be approved by the Sheriff or designee and shall be administered by the Sheriff's representative using the following guidelines:

- (a) Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the department's presence on the website, a link to the department's official website, clearly indicate they are maintained by the department, and have department contact information prominently displayed.
- (b) Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
 - 1. If possible, pages should clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.
 - 2. If possible, pages should clearly indicate that any content posted or submitted for posting is subject to public disclosure under RCW 42.56.

1060.7.3 PERSONNEL REPRESENTING THE DEPARTMENT

Personnel representing the department via social media outlets shall do the following:

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- (a) Conduct themselves at all times as representatives of the department and shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
- (b) Identify themselves as a member of the department.
- (c) Not make statements about guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without authorization from the Sheriff or designee.
- (d) Not conduct political activities or private business.
 - 1. Use of personally owned devices to manage the department's social media activities is prohibited without permission of the Sheriff or designee.
 - 2. Shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials.

1060.7.4 SOCIAL MEDIA/PUBLIC RECORD

All information posted to social media sites is subject to State of Washington public records laws.

- (a) Content must be retained in native format for the minimum period required by state retention schedules.
- (b) If a site posting is a duplicate or secondary copy of a record that is already maintained, then the posting may be deleted any time after it has served its intended use.
- (c) The Spokane County Information Systems Department will be responsible to see that the social media records will be maintained consistent with Washington State public disclosure laws.

1060.8 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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