

# Spokane County Sheriff's Office

## Policy Manual

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### **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.

# Spokane County Sheriff's Office

## Policy Manual

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### **SPOKANE COUNTY SHERIFF'S OFFICE CODE OF ETHICS, ETHICAL VALUES, SHERIFF'S EXPECTATIONS AND STANDARDS OF CONDUCT AND VISION STATEMENT 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.

### **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.

# Spokane County Sheriff's Office

## Policy Manual

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

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#### **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 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

# Spokane County Sheriff's Office

## Policy Manual

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

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- 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

#### **VISION**

Your Spokane County Sheriff's Office consistently invests available resources toward community-wide safety and security, economic viability and the positive, nationwide reputation of our County.

We do so by providing a highly-trained, dedicated team of professionals, working in partnership with our community, through utilizing their unique talents and skills in conjunction with new technology and research-based criminal justice training.

# Spokane County Sheriff's Office

## Policy Manual

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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 by working in partnership with the community to enhance our law enforcement effectiveness.**

# Spokane County Sheriff's Office

## Policy Manual

---

## Table of Contents

<b>SHERIFF'S PREFACE . . . . .</b>	<b>1</b>
<b>SPOKANE COUNTY SHERIFF'S OFFICE CODE OF ETHICS, ETHICAL VALUES, SHERIFF'S EXPECTATIONS AND STANDARDS OF CONDUCT AND VISION STATEMENT . . . . .</b>	<b>2</b>
<b>SPOKANE COUNTY SHERIFF'S OFFICE MISSION STATEMENT . . . . .</b>	<b>5</b>
<b>Chapter 1 - Law Enforcement Role and Authority . . . . .</b>	<b>10</b>
100 - Law Enforcement Authority . . . . .	11
102 - Law Enforcement Certification . . . . .	15
104 - Oath of Office . . . . .	16
106 - Policy Manual . . . . .	17
<b>Chapter 2 - Organization and Administration . . . . .</b>	<b>20</b>
200 - Organizational Structure and Responsibility . . . . .	21
204 - General Order . . . . .	24
206 - Emergency Management Plan . . . . .	25
208 - Training Policy . . . . .	27
212 - Electronic Mail . . . . .	31
214 - Administrative Communications . . . . .	33
216 - Staffing Levels . . . . .	34
220 - Retiree Concealed Firearms . . . . .	35
<b>Chapter 3 - General Operations . . . . .</b>	<b>38</b>
300 - Use of Force . . . . .	39
302 - Deadly Force Review . . . . .	46
305 - EXCITED DELIRIUM RESPONSE . . . . .	49
306 - Handcuffing and Restraints . . . . .	54
308 - Control Devices and Techniques . . . . .	58
309 - Conducted Electrical Weapon . . . . .	63
310 - Officer-Involved Shootings and Deaths . . . . .	71
312 - Firearms . . . . .	80
313 - QUICKCLOT PRODUCTS . . . . .	90
314 - Vehicle Pursuits . . . . .	92
316 - Deputy Response to Calls . . . . .	107
318 - Canines . . . . .	112
320 - Domestic Violence . . . . .	121
322 - Search & Seizure . . . . .	131
324 - Temporary Custody of Juveniles . . . . .	133
326 - Abuse of Vulnerable Adults . . . . .	139
328 - Discriminatory Harassment . . . . .	143
330 - Child Abuse Reporting . . . . .	148
332 - Missing Persons . . . . .	155

# Spokane County Sheriff's Office

## Policy Manual

---

334 - Public Alerts . . . . .	163
336 - Victim Witness Assistance . . . . .	169
338 - Hate Crimes . . . . .	170
340 - Conduct . . . . .	173
342 - Department Technology Use . . . . .	184
343 - Electronic Reporting . . . . .	188
344 - Report Preparation . . . . .	192
346 - News Media Relations . . . . .	197
348 - Court Appearance And Subpoenas . . . . .	201
350 - Reserve Deputies . . . . .	205
351 - Explorers . . . . .	211
352 - Mutual Aid and Outside Agency Assistance . . . . .	213
356 - Community Protection Act . . . . .	214
358 - Major Incident Notification . . . . .	219
360 - Death Investigation . . . . .	222
362 - Identity Theft . . . . .	224
368 - Limited English Proficiency Services . . . . .	225
370 - Hearing Impaired/Disabled Communications . . . . .	233
380 - Child and Dependent Adult Safety . . . . .	241
382 - Service Animals . . . . .	245
384 - Volunteer Program . . . . .	247
386 - Off-Duty Law Enforcement Actions . . . . .	253
<b>Chapter 4 - Patrol Operations . . . . .</b>	<b>255</b>
400 - Patrol Function . . . . .	256
402 - Racial- or Bias-Based Profiling . . . . .	258
404 - Roll Call Training . . . . .	261
405 - Crime and Disaster Scene Integrity . . . . .	262
407 - Special Weapons and Tactics . . . . .	264
409 - Ride-Along Policy . . . . .	269
411 - Hazardous Material Response . . . . .	274
413 - Hostage and Barricade Incidents . . . . .	276
415 - Response to Bomb Calls . . . . .	281
417 - Emergent Detentions . . . . .	285
418 - Animal Control . . . . .	288
419 - Citation Releases . . . . .	290
421 - Arrest or Detention of Foreign Nationals . . . . .	293
423 - Rapid Deployment/Active Shooter Policy . . . . .	301
425 - Reporting Police Activity Outside of Jurisdiction . . . . .	303
427 - Immigration Violations . . . . .	304
429 - Emergency Utility Service . . . . .	308
431 - Aircraft Accidents . . . . .	309
432 - Patrol Rifles and Shotguns . . . . .	312
433 - Field Training Officer Program . . . . .	316
435 - Obtaining Air Support . . . . .	319
437 - Detentions And Photographing Detainees . . . . .	320
439 - Criminal Organizations . . . . .	326

---

# Spokane County Sheriff's Office

## Policy Manual

---

441 - Shift Commanders . . . . .	330
445 - Mobile Digital Computer Use . . . . .	331
449 - Medical Marijuana . . . . .	335
452 - Marine Enforcement Unit . . . . .	339
453 - Foot Pursuit Policy . . . . .	341
459 - Automated License Plate Readers . . . . .	345
461 - Homeless Persons . . . . .	347
462 - Public Recording of Law Enforcement Activity . . . . .	350
<b>Chapter 5 - Traffic Operations . . . . .</b>	<b>353</b>
500 - Traffic Function and Responsibility . . . . .	354
502 - Traffic Collision Reporting . . . . .	357
510 - Vehicle Towing Policy . . . . .	360
512 - Vehicle Impound Hearings . . . . .	363
514 - Impaired Driving . . . . .	364
516 - Traffic Citations and Notices of Infraction (NOI) . . . . .	369
520 - Disabled Vehicles . . . . .	371
524 - Abandoned Vehicles . . . . .	372
<b>Chapter 6 - Investigation Operations . . . . .</b>	<b>373</b>
600 - Investigation and Prosecution . . . . .	374
606 - Asset Forfeiture . . . . .	375
608 - Confidential Informants . . . . .	381
610 - Eyewitness Identification . . . . .	384
612 - Brady Material Disclosure . . . . .	388
<b>Chapter 7 - Equipment . . . . .</b>	<b>390</b>
700 - Department Owned and Personal Property . . . . .	391
702 - Personal Communication Devices . . . . .	394
704 - Vehicle Maintenance . . . . .	397
706 - Vehicle Use . . . . .	399
<b>Chapter 8 - Support Services . . . . .</b>	<b>404</b>
800 - Crime Analysis . . . . .	405
802 - Communication Operations . . . . .	407
804 - Property and Evidence . . . . .	409
806 - Records . . . . .	420
808 - Restoration of Firearm Serial Numbers . . . . .	424
810 - Records Release and Security . . . . .	427
812 - Protected Information . . . . .	435
814 - Computers and Digital Evidence . . . . .	438
822 - Jeanne Clery Campus Security Act . . . . .	443
<b>Chapter 9 - Custody . . . . .</b>	<b>448</b>
902 - Custodial Searches . . . . .	449
<b>Chapter 10 - Personnel . . . . .</b>	<b>454</b>

---



# Spokane County Sheriff's Office

## Policy Manual

---

1000 - Recruitment and Selection . . . . .	455
1001 - Retirement and Resignation . . . . .	462
1002 - Evaluation of Employees . . . . .	463
1004 - Promotional, Specialized Assignment and Transfer Policy . . . . .	467
1006 - Grievance Procedure . . . . .	470
1008 - Anti-Retaliation . . . . .	473
1010 - Reporting of Employee Convictions . . . . .	476
1012 - Drug- and Alcohol-Free Workplace . . . . .	477
1014 - Sick Leave Reporting . . . . .	480
1016 - Communicable Diseases . . . . .	482
1018 - Smoking and Tobacco Use . . . . .	491
1020 - Personnel Complaints . . . . .	492
1022 - Seat Belts . . . . .	501
1024 - Body Armor . . . . .	503
1026 - Personnel Files . . . . .	505
1028 - Request for Change of Assignment . . . . .	512
1030 - Employee Commendations . . . . .	513
1032 - Fitness for Duty . . . . .	517
1034 - Meal Periods and Breaks . . . . .	520
1035 - Lactation Break Policy . . . . .	521
1038 - Overtime Payment Requests . . . . .	523
1040 - Outside Employment . . . . .	525
1042 - On Duty Injuries . . . . .	531
1044 - Personal Appearance Standards . . . . .	534
1046 - Uniform Regulations . . . . .	536
1050 - Nepotism and Conflicting Relationships . . . . .	540
1052 - Domestic Violence Involving Law Enforcement Employees . . . . .	543
1054 - Department Badges . . . . .	550
1055 - Temporary Modified-Duty Assignments . . . . .	552
1059 - Employee Speech, Expression and Social Networking . . . . .	556
<b>Attachments . . . . .</b>	<b>562</b>
ENS_Policy_Procedure.pdf . . . . .	562
Officer_Involved_Protocol.pdf . . . . .	564
DV_Lethality_Assessment_Program.pdf . . . . .	566
County_Disclosure_Mandate_Procedure.pdf . . . . .	568
UseOfSecureInformationAttachment.pdf . . . . .	570
COMPLAINT-WITNESSForm.pdf . . . . .	572
CURRENT_UNIFORM_AND_EQUIPMENT_SPECIFICATIONS_MANUAL.pdf . . . . .	574

## **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 an 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 Sheriff's. 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

# Spokane County Sheriff's Office

## Policy Manual

### *Law Enforcement Authority*

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carrying of a firearm through this issuance. The Sheriff by written authorization may allow individual exception.

- (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

# Spokane County Sheriff's Office

## Policy Manual

### *Law Enforcement Authority*

---

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.

#### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Law Enforcement Authority*

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#### 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.



# Policy Manual

## 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 or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

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

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.

## 106.2 POLICY

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

### 106.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the 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 members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Spokane County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

## 106.3 AUTHORITY

The Sheriff shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Sheriff or the authorized designee is authorized 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.

## 106.4 DEFINITIONS

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

# Spokane County Sheriff's Office

## Policy Manual

### *Policy Manual*

---

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

**CFR** - Code of Federal Regulations.

**County** - The County of Spokane.

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

**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 employed or appointed by the Spokane County Sheriff's Office, including full-time sworn deputies, reserve deputies, non-sworn employees and volunteers.

**Deputy** - Those employees, regardless of rank, who are sworn peace officer employees of the Spokane County Sheriff's Office.

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

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

**Rank** - The title of the classification held by a deputy.

**RCW** - Revised Code of Washington (Example: RCW 9.41.040).

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

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

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

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

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

# Spokane County Sheriff's Office

## Policy Manual

### *Policy Manual*

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**USC** - United States Code.

**WAC** - The Washington Administrative Code (Example: WAC 296-24-567).

**WSP** - The Washington State Patrol.

#### **106.5 ISSUING THE POLICY MANUAL**

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

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

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

The Sheriff will ensure that the Policy Manual is periodically reviewed and updated as necessary.

#### **106.7 REVISIONS TO POLICIES**

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

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

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

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

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

# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

The organizational structure of this department 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 three divisions in the Sheriff's Office as follows:

### Divisions

- Administrative Division
- Patrol Division
- Investigative Division

### 200.2.1 INVESTIGATIVE DIVISION

The Investigative Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Investigative Division. The Investigative 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 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.

### 200.2.3 ADMINISTRATIVE DIVISION

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

## 200.3 COMMAND PROTOCOL

# Spokane County Sheriff's Office

## Policy Manual

### *Organizational Structure and Responsibility*

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#### 200.3.1 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.

#### 200.3.2 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.

#### 200.3.3 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.

#### 200.3.4 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Department. 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 - Investigations
- (e) Shift Commander

#### 200.3.5 SPOKANE VALLEY PRECINCT HIERARCHY

Spokane Valley Police Chief: A commissioned deputy holding the rank of Inspector or higher, appointed by the Sheriff and is responsible for command of the City of Spokane Valley Precinct.

# Spokane County Sheriff's Office

## Policy Manual

### *Organizational Structure and Responsibility*

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The Spokane Valley Precinct Commander: A commissioned deputy holding the rank of Lieutenant. Spokane Valley Precinct Commander will be responsible for command of the City of Spokane Valley Precinct in the absence of the Spokane Valley Police Chief.

#### 200.3.6 RANKS OF AUTHORITY

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

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 selected by the Sheriff from a certified civil service list.

Lieutenant: A commissioned 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/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.

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.

#### 200.3.7 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.



# Emergency Management Plan

## 206.1 PURPOSE AND SCOPE

The County has prepared an Emergency Management Plan Manual for use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

The County Emergency Management Plan is written in accordance with the State of Washington's comprehensive emergency management plan and program, and has been approved for local use (RCW 38.52.070). This plan provides guidance for County emergency operations within and outside its borders.

### 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 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan may be activated by the Sheriff, the highest ranking official on-duty or a responder who is at the scene of a major emergency.

Upon activation of the plan, the Sheriff or the authorized designee should, if the need is anticipated, contact the State Emergency Operations Center to assist with a mutual aid response in which local, state and federal law enforcement agencies provide resources to this department.

### 206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, 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 the authorized designee.

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

## 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>.

# Spokane County Sheriff's Office

## Policy Manual

### *Emergency Management Plan*

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#### **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 attached.

See Attachment: [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 MANUALS**

The Sheriff or the authorized designee shall review the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) (WAC 118-30-060(7)).

#### **206.6 TRAINING**

The Department should provide annual training in the Emergency Management Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Management Plan and the roles sheriff's personnel will play when the plan is implemented. Training should incorporate a full or partial exercise, tabletop or command staff discussion.

## 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Training Policy*

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The plan will also address the following areas:

- Legislative Changes
- State Mandated Training
- 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:

## *Training Policy*

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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.

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.

# Spokane County Sheriff's Office

## Policy Manual

### *Training Policy*

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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

# Spokane County Sheriff's Office

## Policy Manual

### *Electronic Mail*

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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 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 (LGGRRS) 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.

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## Retiree Concealed Firearms

### 220.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Spokane County Sheriff's Office identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

### 220.2 POLICY

It is the policy of the Spokane County Sheriff's Office to provide identification cards to qualified former or retired deputies as provided in this policy.

### 220.3 LEOSA

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

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

#### 220.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

If the Spokane County Sheriff's Office qualifies the former deputy, the LEOSA identification card or separate certification should indicate the date the former deputy was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

#### 220.3.2 AUTHORIZATION

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

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

# Spokane County Sheriff's Office

## Policy Manual

### *Retiree Concealed Firearms*

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

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

#### **220.4 WASHINGTON IDENTIFICATION CARD**

The Sheriff may issue an identification card to a retired deputy of this department for the purposes of carrying a concealed weapon within the State of Washington under RCW 9.41.060 who:

- (a) Has retired from this department.
- (b) Did not retire because of a mental or stress-related disability.
- (c) Has not been convicted or found not guilty by reason of insanity of a crime making him/her ineligible for a concealed pistol license.

If issued, the identification card must document all of the above qualifications (RCW 9.41.060).

Any retired person receiving such an identification card shall abide by all of the other requirements of this policy that are applicable to a LEOSA identification card.

#### **220.5 FORMER DEPUTY RESPONSIBILITIES**

A former deputy with a card issued under this policy shall immediately notify the Shift Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

##### **220.5.1 RESPONSIBILITIES UNDER LEOSA**

In order to obtain or retain a LEOSA identification card, the former deputy shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

# Spokane County Sheriff's Office

## Policy Manual

### *Retiree Concealed Firearms*

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#### **220.6 FIREARM QUALIFICATIONS**

The firearm instructors may provide former deputies from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The firearm instructors will maintain a record of the qualifications and weapons used.

If provided, the qualification shall include the firearms course and certificate developed by the Washington Association of Sheriffs and Police Chiefs (RCW 36.28A.090).

## **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 force that reasonably

# Spokane County Sheriff's Office

## Policy Manual

### *Use of Force*

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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.



# Spokane County Sheriff's Office

## Policy Manual

### *Use of Force*

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- (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.
- (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

# Spokane County Sheriff's Office

## Policy Manual

### *Use of Force*

---

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.
- (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.

### *Use of Force*

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#### **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.
- (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<sup>®</sup> 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.

## *Use of Force*

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### **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.
- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Use of Force*

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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.
  1. If there is an indication of potential 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.

#### **300.8 TRAINING**

Deputies will receive periodic training on this policy and demonstrate their knowledge and understanding.

## 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

# Spokane County Sheriff's Office

## Policy Manual

### *Deadly Force Review*

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- Training Sergeant
- Non-administrative supervisor
- 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

# Spokane County Sheriff's Office

## Policy Manual

### *Deadly Force Review*

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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.



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## 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:

## *EXCITED DELIRIUM RESPONSE*

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

# Spokane County Sheriff's Office

## Policy Manual

### *EXCITED DELIRIUM RESPONSE*

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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.

### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *EXCITED DELIRIUM RESPONSE*

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- (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 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

## *EXCITED DELIRIUM RESPONSE*

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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).

# Spokane County Sheriff's Office

## Policy Manual

### *Handcuffing and Restraints*

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#### **306.3.3 RESTRAINT OF JUVENILES**

Whenever a deputy finds it objectively reasonable to restrain a juvenile he/she should consider the seriousness of the crime or offense and the age of the juvenile. Other reasons that should be considered when deciding to restrain a juvenile include: preventing attack or injury to himself/herself or others, preventing escape, preventing the destruction of evidence or contraband and preventing the destruction of 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

## *Handcuffing and Restraints*

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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 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.



## *Handcuffing and Restraints*

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- (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 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.

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## 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.

Patrol deputies shall carry on their person a minimum of one control device they have been trained to use.

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.

### *Control Devices and Techniques*

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#### **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 or device instructor 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 SWAT 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Control Devices and Techniques*

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#### **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.

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. Unintentional 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

# Spokane County Sheriff's Office

## Policy Manual

### *Control Devices and Techniques*

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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.
- (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 the 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 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.

### *Control Devices and Techniques*

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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 deploying 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.

Absent compelling circumstances, deputies who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second deputy watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

#### **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.

#### **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.

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## Conducted Electrical Weapon

### 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. Approved holsters are the Blade Tech X2 Holster and the Blackhawk X2Holster. 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. 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 Firearm Instructors 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Conducted Electrical Weapon*

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- (e) Personnel shall provide written notice of make, model, color and serial number to the Taser Instructors.

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

When carried while in uniform deputies shall carry the TASER device in a weak-side holster on the side opposite the duty weapon. The holster can either be worn on the duty belt, on a drop platform or on a Tac-Vest if approved for duty assignment.

- (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 (provided that a cartridge has not been loaded into the device), 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.



## *Conducted Electrical Weapon*

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### 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.

### 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 capicum (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

Preferred target areas include the below the neck for the back of the body and below center mass for the front of the body, when reasonably practicable. 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

## *Conducted Electrical Weapon*

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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.

### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Conducted Electrical Weapon*

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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.

#### 309.6.2 REPORTS

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

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

# Spokane County Sheriff's Office

## Policy Manual

### *Conducted Electrical Weapon*

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#### **309.7 MEDICAL TREATMENT**

Deputies may remove probes from a person's body unless the probe is lodged in a sensitive area or bone. If the probe is lodged in a sensitive area or bone the person should be transported to a medical facility for removal. 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 Armorer. Photographs of probe sites should be taken and witnesses interviewed.

##### **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)

### *Conducted Electrical Weapon*

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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 unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Conducted Electrical Weapon*

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- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

# Officer-Involved Shootings and Deaths

## 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 or dies as the result of an officer-involved shooting or dies as a result of other action of a deputy.

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

## 310.2 POLICY

The policy of the Spokane County Sheriff's Office is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner. The department conforms to the Officer Involved Fatal Incident Protocol for investigating officer-involved shootings. Protocol is attached.

See Attachment: [Officer\\_Involved\\_Protocol.pdf](#)

## 310.3 TYPES OF INVESTIGATIONS

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

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's action.
- An administrative investigation as to policy compliance by involved deputies.
- A civil investigation to determine potential liability.

## 310.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

### 310.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Spokane County Sheriff's Office would control the investigation if the suspect's crime occurred in Spokane.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached using the Officer Involved Fatal Incident Protocol.

# Spokane County Sheriff's Office

## Policy Manual

### *Officer-Involved Shootings and Deaths*

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#### 310.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved deputy's conduct during the incident will be determined by the Officer Involved Fatal Incident protocol.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Sheriff or the authorized designee for approval.

#### 310.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

### **310.5 INVESTIGATION PROCESS**

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

#### 310.5.1 UNINVOLVED DEPUTIES RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved SCSO deputy will be the deputy-in-charge and will assume the responsibilities of a supervisor until properly relieved. This deputy should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

#### 310.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved SCSO supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
  - 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any SCSO deputy to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
  - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.



# Spokane County Sheriff's Office

## Policy Manual

### *Officer-Involved Shootings and Deaths*

---

- (c) Provide all available information to the Shift Commander and Combined Communication Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional SCSO members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
  - 1. Each involved SCSO deputy should be given an administrative order not to discuss the incident with other involved officers or SCSO members 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 an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other deputies.

#### 310.5.3 SHIFT COMMANDER RESPONSIBILITIES

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

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

#### 310.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Sheriff
- Investigation Division Commander
- Officer Involved Fatal Incident Protocol rollout team
- Outside agency investigators (if appropriate)
- Office of Professional Standards supervisor
- On Call Prosecuting Attorney
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer
- Risk Management

#### 310.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.

# Spokane County Sheriff's Office

## Policy Manual

### *Officer-Involved Shootings and Deaths*

---

1. Involved SCSO deputies shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
  2. Requests from involved non-SCSO officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved SCSO deputy. A licensed psychotherapist may also be provided to any other affected SCSO members, upon request.
1. Interviews with a licensed psychotherapist will be considered privileged.
  2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
  3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) 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 involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

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

#### **310.6 CRIMINAL INVESTIGATION**

Law Enforcement is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death using the Officer Involved Fatal Incident Protocol.

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 should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) SCSO supervisors and Office of Professional Standards personnel should not participate directly in any voluntary interview of SCSO deputies. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

# Spokane County Sheriff's Office

## Policy Manual

### *Officer-Involved Shootings and Deaths*

---

- (b) If requested, any involved officer 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 involved officer's statement, involved deputies shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

#### 310.6.1 REPORTS BY INVOLVED SCSO DEPUTIES

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

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

Nothing in this section shall be construed to deprive an involved SCSO 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 or death.

#### 310.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identification of all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable

# Spokane County Sheriff's Office

## Policy Manual

### *Officer-Involved Shootings and Deaths*

---

cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

#### **310.6.3 INVESTIGATIVE PERSONNEL**

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigative Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigative Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

#### **310.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved SCSO deputies 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.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any deputy involved in a shooting or death may be requested or 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

# Spokane County Sheriff's Office

## Policy Manual

### *Officer-Involved Shootings and Deaths*

---

deputy shall be provided with a copy of his or her prior statement before proceeding with any subsequent interviews.

- (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.
  3. Administrative interviews should be recorded by the investigator. The deputy may also record the interview.
  4. The deputy shall be informed of the nature of the investigation. If a deputy refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
  5. The Office of Professional Standards shall complete all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
  7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### **310.8 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Officer-Involved Shootings and Deaths*

---

#### **310.9 AUDIO AND VIDEO RECORDINGS**

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, 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, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

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

#### **310.10 DEBRIEFING**

Following an officer-involved shooting or death, the Spokane County Sheriff's Office should conduct both a critical incident/stress debriefing and a tactical debriefing.

##### **310.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING**

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

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

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

##### **310.10.2 TACTICAL DEBRIEFING**

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

#### **310.11 MEDIA RELATIONS**

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

# Spokane County Sheriff's Office

## Policy Manual

### *Officer-Involved Shootings and Deaths*

---

It will be the policy of the Spokane Sheriff's Office to not release the identities of involved deputies until 48 hours from the incident. No involved deputy shall be subjected to contact from the media and no involved SCSO deputy shall make any comment to the media unless he/she is authorized by the Sheriff or a Division Commander.

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

## Firearms

### 312.1 PURPOSE AND SCOPE

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

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

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

### 312.2 POLICY

The Spokane County Sheriff's Office will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate, in good working order and that relevant training is provided as resources allow.

### 312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Member shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Firearm Instructors. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, 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 members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife, automatic opening folding knives and fixed blade knives that are not otherwise prohibited by law.

#### 312.3.1 HANDGUNS

The authorized department-issued handgun is the Glock Model 21 .45.

#### 312.3.2 SHOTGUNS

The authorized department-issued shotgun is the [Mossberg Model 500].

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

#### 312.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt AR-15 .223.



# Spokane County Sheriff's Office

## Policy Manual

### *Firearms*

---

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

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

When not deployed, the patrol rifle shall be properly secured in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, the trigger pulled to release the hammer and the selector lever in the fire position (selector lever cannot be in the safe position with the hammer released).

#### 312.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Sheriff or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm must be of the same caliber as department issued firearms. (ie. Pistols .45 cal, Rifle .223 and Shotgun 12 ga.)
- (c) The firearm must be of quality manufacturing to be determined by the Firearms Staff.
- (d) The firearm 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).
- (e) The firearm shall be inspected by the Firearm Instructors prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (g) If the firearm is approved, the member 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 member.

# Spokane County Sheriff's Office

## Policy Manual

### Firearms

---

#### 312.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Firearm Instructors prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Sheriff or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Firearm Instructors, who will maintain a list of the information.

#### 312.3.6 AUTHORIZED OFF-DUTY FIREARMS

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 peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the deputy.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the deputy to submit the firearm to the Firearm Instructors for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Firearm Instructors.
- (d) 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.
- (e) The deputy will successfully qualify with the firearm prior to it being carried and thereafter shall qualify in accordance with the department qualification schedule.
- (f) Deputies shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearm Instructors, who will maintain a list of the information.

# Spokane County Sheriff's Office

## Policy Manual

### Firearms

---

- (g) If a deputy desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Deputies shall only carry department-authorized ammunition.
- (i) When armed, deputies shall carry their badges and Spokane County Sheriff's Office identification cards under circumstances requiring possession of such identification.

#### 312.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's first scheduled qualification each year.. Members 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 Department shall be dispensed by the Firearm Instructors when needed, in accordance with established policy.

#### 312.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

##### 312.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Firearm Instructors.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Firearm Instructors.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Firearm Instructors.

##### 312.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

##### 312.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearm Instructors. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Members 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. All holsters will accommodate the pistol with the light attached and Level II retention ability.

# Spokane County Sheriff's Office

## Policy Manual

### Firearms

---

The handgun and mounted light will be carried as a weapon system. A member may not carry a weapon light separate from the weapon and use a holster not accommodating the weapon with the light attached.

#### 312.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearm Instructors. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

A K9 handler, SWAT or specialty bunker position are the only personnel permitted to use laser sights. No other member may utilize laser sight.

#### 312.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following: Members shall not unnecessarily display or handle any firearm. Members 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. Members shall not dry fire or practice quick draws except under Firearm Instructor supervision.

- (a) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (b) 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, using clearing barrels when available.
- (c) Members 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 an arrestee, but shall place all firearms in a secured location.
- (d) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm unless trained and qualified with that weapon.
- (e) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Firearm Instructors approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Firearm Instructors will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable. The replacement weapon, owned by the department, may not be the same make or model. If so, the member may need to qualify with the weapon and make adjustments to duty gear to accommodate the replacement weapon.
- (f) If the weapon is personally owned, the member may be responsible for repairs.

## *Firearms*

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### 312.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms and department issued firearms are to be stored in a secure and safe manner at the end of shift.

### 312.5.2 STORAGE AT HOME

Members shall ensure that all department firearms and ammunition are secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

### 312.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

## **312.6 FIREARMS TRAINING AND QUALIFICATIONS**

All members who carry a firearm while on-duty are required to successfully complete scheduled firearms training with their duty firearms. In addition all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least once a year. Training and qualifications must be on an approved range course. The Training Unit with the assistance of firearms instructors shall keep accurate records of firearms training. 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 members carrying a firearm will receive training on the department Use of Force Policy and demonstrate their knowledge and understanding.

### 312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

# Spokane County Sheriff's Office

## Policy Manual

### Firearms

---

- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
  - 1. Unauthorized range make-up
  - 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

#### **312.7 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.

##### **312.7.1 DESTRUCTION OF ANIMALS**

Members 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 where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members 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 member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

##### **312.7.2 INJURED ANIMALS**

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. SCRAPS should be notified of injured dogs and cats found without owners.

# Spokane County Sheriff's Office

## Policy Manual

### Firearms

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#### 312.7.3 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 member reasonably believes that they appear necessary, effective and reasonably safe.

#### 312.8 FIREARM INSTRUCTORS DUTIES

The range will be under the exclusive control of the firearm instructors. All members attending will follow the directions of the firearm instructors. The firearm instructors 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 instructors may result in non-participation or non-qualification.

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

The Firearm Instructors 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 Firearm Instructors has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until inspected and approved by the Firearm Instructors.

The firearm instructors have the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The firearm instructors shall complete and submit to the Training Sergeant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Firearm Instructors and firearm instructors should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

#### 312.9 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 deputies 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, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Deputies must carry their Spokane County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, 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

# Spokane County Sheriff's Office

## Policy Manual

### Firearms

---

photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

- (c) The Spokane County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Spokane County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering deputies 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 of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy 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.
- (i) Deputies should try to resolve any problems through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

#### **312.10 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time deputies of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The deputy shall carry his/her Spokane County Sheriff's Office identification card whenever carrying such firearm.
- (b) The deputy is not the subject of any current disciplinary action.
- (c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) 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 a deputy from arrest and prosecution in such locally restricted areas.



# Spokane County Sheriff's Office

## Policy Manual

### *Firearms*

---

Active permits from other states are subject to all requirements set forth in 18 USC § 926B.

## 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.

# Spokane County Sheriff's Office

## Policy Manual

### *QUICKCLOT PRODUCTS*

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#### 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

# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Pursuits*

---

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).

#### 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

# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Pursuits*

---

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:

- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Pursuits*

---

#### **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, 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Pursuits*

---

- (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.
- (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.



# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Pursuits*

---

- (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 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 response by a supervisor.

#### 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

# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Pursuits*

---

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.
- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Pursuits*

---

- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Pursuits*

---

#### **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.

#### **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

# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Pursuits*

---

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.
- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Pursuits*

---

#### 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.

**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.

# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Pursuits*

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- (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 non-sworn 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.
  - 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Pursuits*

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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 three 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. 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.



# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Pursuits*

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- (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 authorize 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.

## *Vehicle Pursuits*

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- (c) Number of deputies involved.
  - (d) Maximum number of units involved.
  - (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Deputy Response to Calls*

---

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.

#### **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

# Spokane County Sheriff's Office

## Policy Manual

### *Deputy Response to Calls*

---

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).
- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Deputy Response to Calls*

---

#### **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.

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:

# Spokane County Sheriff's Office

## Policy Manual

### *Deputy Response to Calls*

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- 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

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

### 318.2 POLICY

It is the policy of the Spokane County Sheriff's Office that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

### 318.3 ASSIGNMENT

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

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

### 318.4 CANINE COORDINATOR

The canine coordinator shall be appointed by Canine Unit supervisory staff and shall manage the activities of the Canine Program. The Unit Coordinator is directly responsible to the Patrol division Commander or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining liaison with the vendor kennel.
- (c) Maintaining liaison with command staff and functional supervisors.
- (d) Maintaining liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.



## *Canines*

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### **318.5 REQUESTS FOR CANINE TEAMS**

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

#### **318.5.1 OUTSIDE AGENCY REQUEST**

All requests for canine assistance from outside agencies must be approved by the Shift Commander or Canine Coordinator and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

#### **318.5.2 PUBLIC DEMONSTRATIONS**

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

### **318.6 APPREHENSION GUIDELINES**

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

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputies or the handler.
- (b) The suspect 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 suspect 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. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing or threatening to commit a serious offense, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

### *Canines*

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Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Commander. Absent a change in circumstances that present an imminent threat to deputies, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable. If the canine has apprehended the suspect with a secure bite, the handler should promptly command the canine to release the suspect.

#### **318.6.1 PREPARATION FOR DEPLOYMENT**

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

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other deputies at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

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

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

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

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

#### **318.6.2 WARNINGS AND ANNOUNCEMENTS**

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

### *Canines*

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If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

#### **318.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES**

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a canine use report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

#### **318.7 NON-APPREHENSION GUIDELINES**

Properly trained canines may be used 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. The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply.

- (a) Absent a change in circumstances that present an immediate threat to deputies, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (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.

## *Canines*

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### **318.7.1 ARTICLE DETECTION**

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

### **318.7.2 NARCOTICS DETECTION**

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

### **318.7.3 BOMB/EXPLOSIVE DETECTION**

Because of the high risk of danger to the public and [officers/deputies] when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).
- (c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

## **318.8 HANDLER SELECTION**

The minimum qualifications for the assignment of canine handler include:

- (a) A deputy who is currently off probation.
- (b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates or department approved kennel).
- (c) The ability to secure and accommodate a canine vehicle.
- (d) Living within 30 minutes travel time from the Spokane County limits.

## *Canines*

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- (e) Agreeing to be assigned to the position for a minimum of three years.

### **318.9 HANDLER RESPONSIBILITIES**

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

The canine handler will be responsible for the following:

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

#### **318.9.1 CANINE IN PUBLIC AREAS**

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.

## *Canines*

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- (b) When the canine vehicle 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 ensure that the unattended vehicle remains inhabitable for the canine.

### **318.10 HANDLER COMPENSATION**

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement/memorandum of understanding (29 USC § 207).

### **318.11 CANINE INJURY AND MEDICAL CARE**

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Shift Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

### **318.12 TRAINING**

Before assignment in the field, each canine team shall be trained and certified to meet current Criminal Justice Training Commission (CJTC) standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills (WAC 139-05-915).

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

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Shift Commander.

#### **318.12.1 CONTINUED TRAINING**

Each canine team shall thereafter be recertified to current CJTC standards or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Spokane County Sheriff's Office canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

## *Canines*

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- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

### 318.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

### 318.12.3 TRAINING RECORDS

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

### 318.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements regarding the same. Alternatively, the Spokane County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

### 318.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws. (21 USC § 823(f); RCW 69.50.302; RCW 69.50.508; WAC 246-887-200).

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Spokane County Sheriff's Office to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or the authorized designee may request narcotics training aids from the Drug Enforcement Agency (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

### 318.12.6 CONTROLLED SUBSTANCE PROCEDURES

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

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Canines*

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- (d) All controlled substance training samples will be inspected and weighed annually. The results of the annual inspection 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 locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine 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 and Evidence Facility or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

#### 318.12.7 EXPLOSIVE TRAINING AIDS

Deputies may possess, transport, store or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; RCW 70.74.191(4)).

Explosive training aids designed specifically for canine 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 by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible to verify the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, 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 threeth 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

# Spokane County Sheriff's Office

## Policy Manual

### *Domestic Violence*

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(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).
- (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).

# Spokane County Sheriff's Office

## Policy Manual

### *Domestic Violence*

---

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 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

# Spokane County Sheriff's Office

## Policy Manual

### *Domestic Violence*

---

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 three 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.

#### 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)).

# Spokane County Sheriff's Office

## Policy Manual

### *Domestic Violence*

---

#### 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.

#### 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Domestic Violence*

---

- (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.

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:

# Spokane County Sheriff's Office

## Policy Manual

### *Domestic Violence*

---

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:

- (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/

# Spokane County Sheriff's Office

## Policy Manual

### *Domestic Violence*

---

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.

#### **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 Chief's. 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



## *Domestic Violence*

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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).

### **320.10 DV LETHALITY ASSESSMENT**

The Lethality Assessment Program (LAP) is a two-pronged intervention process that features a research-based lethality screening tool and an accompanying protocol referral that provides direction for law enforcement, domestic violence advocates, and others to initiate appropriate action based on the results of the screening process.

#### **320.10.1 RESPONDING TO HIGH DANGER DV SITUATIONS**

The LAP seeks to establish a means for Law Enforcement to identify and assess potential and/or increasing violent or lethal situations and to offer choices that seek to account for the safety of the victim and her/his children. This process is called "Lethality Assessment."

When a deputy arrives at the scene of a domestic violence call that involves current or former Intimate Partners. The deputy will assess the situation and determine if the LAP assessment needs to be completed. If the deputy determines that a LAP assessment should be conducted, the deputy will ask the victim to answer a series of eleven questions from the Lethality Assessment Screening Tool (LAP Blue Card). The deputy will then determine if the victim has "screened in" or not based on the victim's answers to the questions or based on the deputy's belief.

#### **320.10.2 WHEN TO INITIATE THE LETHALITY ASSESSMENT**

The deputy shall initiate a lethality assessment when he/she responds to a domestic situation where the involved persons are Intimate Partners (currently or formerly dated, spouse or ex-spouse, have children in common) AND

- (a) There is reason to believe that there has been an assault or threats to cause harm, or an act that constitutes Domestic Violence to include Reckless Endangerment, Harassment,

# Spokane County Sheriff's Office

## Policy Manual

### *Domestic Violence*

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Burglary, Criminal Trespass, Kidnapping, Unlawful Imprisonment, DVOPV with Threats or Harassment, Drive-by Shooting, Rape, Stalking, Interference with reporting of domestic violence whether or not there is probable cause to make an arrest; OR

- (b) There is a belief on the part of the deputy that once the victim is no longer in the care or presence of the deputy the potential for assault or danger is high; OR
- (c) Names of parties or location are repeat names or locations; OR
- (d) The first responder believes, based on their training and experience that one should be conducted.

LAP field manual is attached.

See Attachment: [DV\\_Lethality\\_Assessment\\_Program.pdf](#)

## 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.

## Search & Seizure

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### **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.
- (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)(iv) 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Temporary Custody of Juveniles*

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**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 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 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.

#### **324.5 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Temporary Custody of Juveniles*

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- (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) Time of all welfare checks.
- (e) Any medical and other screening requested and completed.
- (f) Circumstances that justify any secure custody.
- (g) Any other information that may be required by DSHS.

#### **324.6 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.

#### **324.7 TEMPORARY CUSTODY REQUIREMENTS**

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

- (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) Personal visual checks and significant incidents/activities shall be noted on the log.
- (d) 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 surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.
- (f) 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.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.

## *Temporary Custody of Juveniles*

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- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian and/or lawyer visits.
- (j) 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.
- (k) Blankets should be provided as reasonably necessary.
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

### **324.8 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.

### **324.9 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 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.

### **324.10 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.



# Spokane County Sheriff's Office

## Policy Manual

### *Temporary Custody of Juveniles*

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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.

#### **324.10.1 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.

#### **324.11 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:

## *Temporary Custody of Juveniles*

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- (a) Immediate notification of the on-duty supervisor, Sheriff and Investigative Division 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.

### **324.12 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.

### **324.13 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

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

### **324.14 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.

#### **324.14.1 RELEASE OF INFORMATION PURSUANT TO WASHINGTON LAW**

Juvenile records are confidential and may be released only as provided in RCW 13.50.010 and RCW 13.50.050:

- (a) Information may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile is being pursued by the other participant, or when that other participant is assigned the responsibility for supervising the juvenile.
- (b) Information not in the juvenile court file that could not reasonably be expected to identify the juvenile or the juvenile's family may be released.
- (c) Following the decision to arrest, information about an investigation, diversion or prosecution of a juvenile, including an incident report, may be released to the school in which the juvenile is enrolled to assist in protecting other students, staff and school property.
- (d) Information about a juvenile offender, the offender's parent or guardian and the circumstances of the crime may be released to the victim or the victim's immediate family.
- (e) Information identifying child victims of sexual assault committed by juvenile offenders may be released only with the permission of the child victim or legal guardian.
- (f) A court may permit certain juvenile records to be released by rule or order.

It shall be the responsibility of the Records Manager and the appropriate Investigative Division 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

# Spokane County Sheriff's Office

## Policy Manual

### *Abuse of Vulnerable Adults*

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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, 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 Division 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Abuse of Vulnerable Adults*

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#### 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.

#### 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

# Spokane County Sheriff's Office

## Policy Manual

### *Abuse of Vulnerable Adults*

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- 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

#### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Discriminatory Harassment*

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#### **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.

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.



# Spokane County Sheriff's Office

## Policy Manual

### *Discriminatory Harassment*

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#### **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.
- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Discriminatory Harassment*

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#### **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.

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.

# Spokane County Sheriff's Office

## Policy Manual

### *Discriminatory Harassment*

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#### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Child Abuse Reporting*

---

- (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):
  - 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.)

## *Child Abuse Reporting*

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### **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 located at \\spokanecounty.org\countysheriff\Data\LexipolPolicy\Spokane\_County\_Child\_Abuse\_Investigation\_Protocol.pdf
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (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

# Spokane County Sheriff's Office

## Policy Manual

### *Child Abuse Reporting*

---

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.

### **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.pdf](\\spokanecounty.org\countysheriff\Data\LexipolPolicy\Spokane_County_Child_Abuse_Investigation_Protocol.pdf).

#### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Child Abuse Reporting*

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#### 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.pdf](\\spokanecounty.org\countysheriff\Data\LexipolPolicy\Spokane_County_Child_Abuse_Investigation_Protocol.pdf).

#### 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 Investigative Division 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.
- (b) Activate any available interagency response when a deputy notifies the Investigative Division 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.



## *Child Abuse Reporting*

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- (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 Investigative Division 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.).

#### **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:

# Spokane County Sheriff's Office

## Policy Manual

### *Child Abuse Reporting*

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- (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:

## *Missing Persons*

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- Biological sample collection kits

### **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)

## *Missing Persons*

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### **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 Division.

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).

# Spokane County Sheriff's Office

## Policy Manual

### *Missing Persons*

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- (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).

#### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Missing Persons*

---

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.

#### **332.9 CASE CLOSURE**

The Investigative Division Supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of 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:

# Spokane County Sheriff's Office

## Policy Manual

### *Missing Persons*

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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**

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



# Spokane County Sheriff's Office

## Policy Manual

### *Missing Persons*

---

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. 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

# Spokane County Sheriff's Office

## Policy Manual

### *Missing Persons*

---

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.

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## 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 Investigative Division 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.

## Public Alerts

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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.
- (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 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

# Spokane County Sheriff's Office

## Policy Manual

### *Public Alerts*

---

(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.
- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Public Alerts*

---

#### 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.

#### 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) Ensure that department protocol is followed regarding approval of the alert.
- (b) Ensure all appropriate documentation is completed.
- (c) Contact the WSP Communication Center for entry into LEAP.
- (d) Direct Records Division personnel to enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).
- (e) Notify Combined Communication Center of the advisory and ensure that it is prepared to handle a high volume of telephone calls.
- (f) Ensure that the handling deputy attempts to obtain a photograph of the missing person and/or suspect as soon as possible.
- (g) Direct the Records Division to enter the photograph into WACIC and NCIC, then send an email to the WSP Missing Persons Unit (MPU).
- (h) 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.
- (i) The Records Division personnel should promptly cancel the advisory after an Endangered Missing Person is located by sending an administrative message through A Central Computerized Enforcement Service System (ACCESS), noting that the person has been found.

# Spokane County Sheriff's Office

## Policy Manual

### *Public Alerts*

---

#### **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.

##### **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 Division 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:

# Spokane County Sheriff's Office

## Policy Manual

### *Public Alerts*

---

- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Hate Crimes*

---

- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Hate Crimes*

---

#### **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:

- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Conduct*

---

- (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.

#### 340.3.2 CONDUCT

- (a) Any conduct tending to destroy public respect and confidence in the operation of police services 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 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 criminal 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 or discipline 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

# Spokane County Sheriff's Office

## Policy Manual

### *Conduct*

---

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 while on duty or discourteous or disrespectful treatment of any member of this department or another law enforcement agency while on or off duty.
- (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.

#### 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Conduct*

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- (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.
- (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.



# Spokane County Sheriff's Office

## Policy Manual

### *Conduct*

---

- (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.
- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Conduct*

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- (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.

#### 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.

## Conduct

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### **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.

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).

## Conduct

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### 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.
  - 1. The *Loudermill* response is not intended to be an adversarial or formal hearing.

# Spokane County Sheriff's Office

## Policy Manual

### Conduct

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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.

# Spokane County Sheriff's Office

## Policy Manual

### *Conduct*

---

- (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:

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.

### *Conduct*

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#### **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.

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.



# Spokane County Sheriff's Office

## Policy Manual

### *Department Technology Use*

---

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.

# Spokane County Sheriff's Office

## Policy Manual

### *Department Technology Use*

---

- (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.

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 backup protocols. Retention of all system backups should be stored off-site and retained until no longer needed for department business and then destroyed according to the current Local Government Common Records Retention Schedule (CORE).

##### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Department Technology Use*

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- 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.
- 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

### *Electronic Reporting*

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incomplete reports must be transferred to the Xpediter server by the end of the shift. Delayed reporting necessitates supervisory approval.

#### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Electronic Reporting*

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- (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.

#### **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

# Spokane County Sheriff's Office

## Policy Manual

### *Electronic Reporting*

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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.

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## 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 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.



# Spokane County Sheriff's Office

## Policy Manual

### *Report Preparation*

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- (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.
- (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 time a deputy points a firearm at any person.
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms Policy).
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).
- (e) Any found property or found evidence.
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (h) All protective custody detentions.
- (i) Suspicious incidents that may place the public or others at risk.
- (j) 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).

## *Report Preparation*

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- (e) Found dead bodies or body parts.

### **344.2.4 INJURY OR DAMAGE BY CITY/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.
- (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 Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Report Preparation*

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#### **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 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

# Spokane County Sheriff's Office

## Policy Manual

### *Report Preparation*

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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.
- (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.

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## 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.

# Spokane County Sheriff's Office

## Policy Manual

### *News Media Relations*

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- (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 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:

# Spokane County Sheriff's Office

## Policy Manual

### *News Media Relations*

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- (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.

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.

# Spokane County Sheriff's Office

## Policy Manual

### *News Media Relations*

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- (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;
  - 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

# Spokane County Sheriff's Office

## Policy Manual

### *Court Appearance And Subpoenas*

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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 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Court Appearance And Subpoenas*

---

#### **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.

#### **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

# Spokane County Sheriff's Office

## Policy Manual

### *Court Appearance And Subpoenas*

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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.

#### 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

# Spokane County Sheriff's Office

## Policy Manual

### *Reserve Deputies*

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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 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Reserve Deputies*

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#### 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.
- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Reserve Deputies*

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#### **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.

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.



# Spokane County Sheriff's Office

## Policy Manual

### *Reserve Deputies*

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#### 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.

#### 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Reserve Deputies*

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#### **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,

## *Explorers*

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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."

### **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 Investigative Division 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

# Spokane County Sheriff's Office

## Policy Manual

### *Community Protection Act*

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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 take photographs and fingerprints of all sex/kidnapping offenders.

#### **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 (RCW 9.41.330; RCW 9.41.333):

- 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 Investigative Division 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.

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 Investigative Division 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

# Spokane County Sheriff's Office

## Policy Manual

### *Community Protection Act*

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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).

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)):



# Spokane County Sheriff's Office

## Policy Manual

### *Community Protection Act*

---

- (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.

#### **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

# Spokane County Sheriff's Office

## Policy Manual

### *Community Protection Act*

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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.

# Spokane County Sheriff's Office

## Policy Manual

### *Major Incident Notification*

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- 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 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.

#### **358.5 SUBJECT MATTER EXPERT NOTIFICATION - MAJOR INCIDENTS**

At the appropriate time as determined by the lead investigator and/or scene supervisor of a major incident involving Sheriff's Commissioned Personnel, a department Subject Matter Expert as designated will be allowed to observe the scene only in an administrative capacity. The Subject Matter Expert will not be part of the criminal investigation and shall only be allowed access to the incident scene after all criminal investigation scene activity has concluded. The Subject Matter Expert will not take any photographs of the scene or collect any evidence. Upon the arrival of the Subject Matter Expert, the Scene Commander will make arrangements to have the Subject Matter Expert briefed and escorted to the appropriate areas accessible without the legal requirement of a search warrant.

##### **358.5.1 SUBJECT EXPERT NOTIFICATION**

The following procedure shall be used for notification and call-out of Subject Matter Experts from the Spokane County Sheriff's Office.

# Spokane County Sheriff's Office

## Policy Manual

### *Major Incident Notification*

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1. The lead investigator or scene supervisor shall contact the Sheriff's Training Unit supervisor to brief him of the incident and advise of the scene investigation status.
2. Based upon the type of incident, the lead investigator or scene supervisor and the Training Unit supervisor will determine which subject matter expert(s) should be sent to the scene and establish who the point of contact will be.
3. The Training Unit supervisor will call the subject matter expert(s) and request their response to the scene and provide the point of contact information.
4. In the event the Training Unit supervisor cannot be reached, the lead investigator or scene supervisor should contact the subject matter expert(s) themselves most appropriate for the type of incident being investigated. The subject matter expert call-out list can be found on the county network in the patrol schedule on call folder or: [\\spokanecounty.org\countysheriff\Patrol\Schedule\OnCall](https://spokanecounty.org/countysheriff/Patrol/Schedule/OnCall).
5. If necessary, SME call-out information may also be obtained through the dispatch center.

# 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Death Investigation*

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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).

#### 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:

# Spokane County Sheriff's Office

## Policy Manual

### *Limited English Proficiency Services*

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- (a) Coordinating and implementing all aspects of the Spokane County Sheriff's Office's LEP services to LEP individuals.
- (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 Dispatch 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:

# Spokane County Sheriff's Office

## Policy Manual

### *Limited English Proficiency Services*

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- (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 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.

## *Limited English Proficiency Services*

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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.
- (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.

### *Limited English Proficiency Services*

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#### **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 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 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Limited English Proficiency Services*

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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 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Limited English Proficiency Services*

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#### **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.

#### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Limited English Proficiency Services*

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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.

# Spokane County Sheriff's Office

## Policy Manual

### *Hearing Impaired/Disabled Communications*

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- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Commander and Dispatch Supervisor. The list should include information regarding 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Hearing Impaired/Disabled Communications*

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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).

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.

## *Hearing Impaired/Disabled Communications*

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### **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.
- (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.

### *Hearing Impaired/Disabled Communications*

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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.
- (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

# Spokane County Sheriff's Office

## Policy Manual

### *Hearing Impaired/Disabled Communications*

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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.
- (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.

## *Hearing Impaired/Disabled Communications*

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### **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. 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Hearing Impaired/Disabled Communications*

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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.



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## 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Child and Dependent Adult Safety*

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#### 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.

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.

# Spokane County Sheriff's Office

## Policy Manual

### *Child and Dependent Adult Safety*

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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
  - 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.

### *Child and Dependent Adult Safety*

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#### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Service Animals*

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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 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Volunteer Program*

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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.



# Spokane County Sheriff's Office

## Policy Manual

### *Volunteer Program*

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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.

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.

## *Volunteer Program*

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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:

- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Volunteer Program*

---

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.

#### **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.

### *Volunteer Program*

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#### **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.

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## 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 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 member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication or any combination thereof 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Off-Duty Law Enforcement Actions*

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- (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.

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 CIVILIANNONSWORN RESPONSIBILITIES**

Non-sworn 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.

## **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.



# Spokane County Sheriff's Office

## Policy Manual

### *Patrol Function*

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#### 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 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.

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.

# Spokane County Sheriff's Office

## Policy Manual

### *Racial- or Bias-Based Profiling*

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#### **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.

### *Racial- or Bias-Based Profiling*

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#### **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

### 405.1 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.

### 405.2 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.

#### 405.2.1 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.

#### 405.2.2 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).

### 405.3 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.

## *Crime and Disaster Scene Integrity*

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### 405.3.1 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.

### **405.4 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

## 407.1 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).

## 407.2 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.

### 407.2.1 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

### 407.2.2 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.



# Spokane County Sheriff's Office

## Policy Manual

### *Special Weapons and Tactics*

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#### 407.2.3 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 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.

#### 407.2.4 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.

#### 407.2.5 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.

#### 407.2.6 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.

#### 407.2.7 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.

#### 407.2.8 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.

#### 407.2.9 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

## *Special Weapons and Tactics*

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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.
- (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.

### **407.3 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.

#### **407.3.1 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.

## *Special Weapons and Tactics*

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### 407.3.2 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.

### 407.4 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.

### 407.5 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 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.

#### 407.5.1 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

#### 407.5.2 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.

## *Special Weapons and Tactics*

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- (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.

### **407.5.3 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.

### **407.6 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

### 409.1 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.

#### 409.1.1 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Ride-Along Policy*

---

- 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:

- 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.

#### 409.1.2 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.

#### **409.2 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.

#### 409.2.1 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Ride-Along Policy*

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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.

#### **409.2.2 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.

#### **409.2.3 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 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.

#### **409.2.4 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.

#### **409.3 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

# Spokane County Sheriff's Office

## Policy Manual

### *Ride-Along Policy*

---

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.

#### **409.4 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.
- (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.

##### **409.4.1 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.)



# Spokane County Sheriff's Office

## Policy Manual

### *Ride-Along Policy*

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- 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

## 411.1 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.

### 411.1.1 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.

## 411.2 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.

## 411.3 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

# Spokane County Sheriff's Office

## Policy Manual

### *Hazardous Material Response*

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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 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.

#### 411.3.1 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.

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## Hostage and Barricade Incidents

### 413.1 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.

#### 413.1.1 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.

### 413.2 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.

### 413.3 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.

#### 413.3.1 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).

## *Hostage and Barricade Incidents*

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### **413.4 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.

#### **413.4.1 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Hostage and Barricade Incidents*

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- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

#### 413.4.2 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.

### *Hostage and Barricade Incidents*

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#### **413.5 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.
- (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.

#### **413.6 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.

## *Hostage and Barricade Incidents*

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### **413.7 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.

### **413.8 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.

#### **413.8.1 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.
- (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.



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## Response to Bomb Calls

### 415.1 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.

### 415.2 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)

# Spokane County Sheriff's Office

## Policy Manual

### *Response to Bomb Calls*

---

Explosive or military ordnance of any type should be handled only by the Bomb Squad or military ordnance disposal team.

#### **415.2.1 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.
- (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.

#### **415.3 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.

#### **415.3.1 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

# Spokane County Sheriff's Office

## Policy Manual

### *Response to Bomb Calls*

---

- Field supervisor
- Shift Commander
- Detectives
- Forensic Science Services

#### 415.3.2 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.

#### 415.3.3 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.

### **415.4 BOMB THREATS RECEIVED AT SHERIFF&APOS;S FACILITY**

This procedure should be followed should a bomb threat call be received at the sheriff's facility.

#### 415.4.1 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Response to Bomb Calls*

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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.

#### 415.4.2 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.

# Emergent Detentions

## 417.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place an individual under an emergent detention (RCW 71.05.153).

## 417.2 POLICY

It is the policy of the Spokane County Sheriff's Office to protect the public and individuals through legal and appropriate use of the emergent detention process.

## 417.3 AUTHORITY

A deputy who has reasonable cause to believe that a person is suffering from a mental disorder and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, may take the person into emergent detention and immediately transport the person to a triage facility, crisis stabilization unit, evaluation and treatment facility, or the emergency department of a local hospital (RCW 71.05.153).

A deputy may also take a person into emergent detention and deliver the person to an evaluation and treatment facility upon the written or oral request of a mental health professional designated by the county or other authority who has determined that the person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled (RCW 71.05.153).

### 417.3.1 VOLUNTARY EVALUATION

If deputies encounter an individual who may qualify for an emergent detention, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputies should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to emergent detention.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation deputies should proceed with the emergent detention, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

## 417.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for an emergent detention should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.

## *Emergent Detentions*

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- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

Emergent detentions should be preferred over arrest for individuals with mental disorders, who are suspected of committing minor crimes or creating other public safety issues.

### **417.5 TRANSPORTATION**

When transporting any individual for an emergent detention, the transporting deputy should have Combined Communication Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Time and mileage shall be recorded when transporting a person under these circumstances. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Shift Commander approval is required before transport commences.

### **417.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the deputy should provide the staff member with the written application for an emergent detention and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

### **417.7 DOCUMENTATION**

The deputy should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the emergency application for inclusion in the case report.

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary emergent detention.

### **417.8 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.

### *Emergent Detentions*

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#### **417.9 CRIMINAL OFFENSES**

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken on an emergent detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for an emergent detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergent detention.
- (c) Facilitate the individual's transfer to the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergent detention.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

#### **417.10 FIREARMS AND OTHER WEAPONS**

Whenever an individual is taken into custody for an emergent detention, the handling deputies should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling deputies should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

#### **417.11 TRAINING**

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, emergent detentions and crisis intervention.

# Animal Control

## 418.1 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.

## 418.2 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.

## 418.3 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.

## 418.4 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.

### 418.4.1 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.)



## *Animal Control*

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- (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 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.

### **418.5 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 § 300 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

### 419.1 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.

### 419.2 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.

#### 419.2.1 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.

## *Citation Releases*

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### **419.3 DEPARTMENT PROCEDURE**

The following procedure will be followed to comply with state court rules.

#### **419.3.1 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 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)).

#### **419.3.2 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.

#### **419.3.3 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.

#### **419.3.4 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.

### **419.4 JUVENILE CITATIONS AND BOOKING**

Completion of criminal citations for juveniles is generally not appropriate with the following exception:

- Misdemeanor traffic violations of the RCW (RCW 12.04.030(1)(e))

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the 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

### *Citation Releases*

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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.

#### **419.5 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

## 421.1 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](#).

### 421.1.1 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.

## 421.2 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.

## 421.3 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Arrest or Detention of Foreign Nationals*

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#### 421.3.1 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 agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to Washington; but they do occasionally visit the state.

#### 421.3.2 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.

#### 421.3.3 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.

#### 421.4 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.

#### 421.4.1 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

## *Arrest or Detention of Foreign Nationals*

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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.

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.

### **421.5 ENFORCEMENT PROCEDURES**

The following procedures provide a guideline for handling enforcement of foreign nationals:

#### **421.5.1 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Arrest or Detention of Foreign Nationals*

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#### 421.5.2 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 (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



# Spokane County Sheriff's Office

## Policy Manual

### *Arrest or Detention of Foreign Nationals*

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Office of Foreign Missions	Department of State
Diplomatic Motor Vehicle Office	Diplomatic Security Service
Washington D.C.	Command Center
(202) 895-3521 (Driver License Verification) or	Washington D.C.
(202) 895-3532 (Registration Verification)	(202) 647-7277
(202) 895-3533 FAX	(202) 647-1512
(0815-1700 EST)	(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 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Arrest or Detention of Foreign Nationals*

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#### **421.6 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.

##### **421.6.1 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.

##### **421.6.2 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.

#### **421.7 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

# Spokane County Sheriff's Office

## Policy Manual

### *Arrest or Detention of Foreign Nationals*

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undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- 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.

#### 421.7.1 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Arrest or Detention of Foreign Nationals*

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#### 421.7.2 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

### 423.1 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.

### 423.2 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.

### 423.3 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Rapid Deployment/Active Shooter Policy*

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- (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).
- (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

### 425.1 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.

#### 425.1.1 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.

#### 425.1.2 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

## 427.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Spokane County Sheriff's Office for investigating and enforcing immigration laws.

## 427.2 POLICY

It is the policy of the Spokane County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

## 427.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Washington Constitutions.

## 427.4 ENFORCEMENT

A deputy may detain an individual when there are facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law. Federal authorities shall be notified as soon as possible and the detained individual shall be immediately released if the federal authorities do not want the person held. A deputy should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

### 427.4.1 CIVIL VS. CRIMINAL FEDERAL OFFENSES

An individual who enters into the United States illegally has committed a misdemeanor (8 USC § 1325(a)). Generally, an alien who initially made a legal entry into the United States but has remained beyond what is a legal period of time has committed a federal civil offense.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize any person, except to the extent permitted by the United States or Washington Constitutions. Instead, the totality of circumstances shall be used to determine reasonable suspicion, and shall include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal immigration violation has occurred may include, but are not limited to:

- (a) An admission that the person entered the United States illegally.



# Spokane County Sheriff's Office

## Policy Manual

### *Immigration Violations*

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- (b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.
- (c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.
- (d) Other factors based upon training and experience.

#### 427.4.2 IMMIGRATION CHECKS

Immigration status may be determined through any of the following sources:

- (a) A law enforcement officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an alien's immigration status (sometimes referred to as a 287(g) certified officer)
- (b) Immigration and Customs Enforcement (ICE)
- (c) U.S. Customs and Border Protection (CBP)

A deputy shall verify from a 287(g) certified officer, ICE or CBP whether a person's presence in the United States relates to a federal civil violation or a criminal violation.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person. In addition, the deputy should notify a supervisor as soon as practicable. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

A deputy is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities or the potential to obstruct a separate investigation outweigh the need for the detention.

#### 427.4.3 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should:

- (a) Confirm that the detained person's immigration status was properly verified.
- (b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:
  - 1. Transfer to federal authorities.
  - 2. Lawful arrest for a criminal offense or warrant.

#### 427.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, a deputy will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges. Notification will be handled according to jail operation

## *Immigration Violations*

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procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

### **427.6 ICE REQUEST FOR ASSISTANCE**

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

### **427.7 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from ICE
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state or local government entity

#### **427.7.1 IMMIGRATION HOLDS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

### **427.8 U VISA AND T VISA NON-IMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by a deputy in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by a deputy in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigative Division supervisor assigned to oversee the handling of any related case. The Investigative Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

# Spokane County Sheriff's Office

## Policy Manual

### *Immigration Violations*

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1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

#### **427.9 TRAINING**

The Training Sergeant shall ensure that all appropriate members receive immigration training.

## Emergency Utility Service

### 429.1 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.

#### 429.1.1 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.

#### 429.1.2 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.

#### 429.1.3 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.

#### 429.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for utility emergencies is maintained by Combined Communication Center.

### 429.2 TRAFFIC SIGNAL MAINTENANCE

The County of Spokane maintains all traffic signals within the County which it is responsible for.

#### 429.2.1 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.

# Aircraft Accidents

## 431.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

## 431.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows:

### 431.2.1 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.

### *Aircraft Accidents*

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#### 431.2.2 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, 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.

#### 431.2.3 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.

#### 431.2.4 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Aircraft Accidents*

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#### **431.3 DOCUMENTATION**

Any aircraft accident (crash) within the County, regardless of whether injuries or deaths occur, shall be documented.

## 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.



# Spokane County Sheriff's Office

## Policy Manual

### *Patrol Rifles and Shotguns*

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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.
  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:
- (a) Have an approved carbine, as outlined by policy.
  - (b) Supply their own quality optic that meets the above requirement.
  - (c) Must attend and pass the Carbine with Magnifying Optics training.
  - (d) The carbine must be equipped with Back Up Iron Sights (BUIS).
  - (e) 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.

## *Patrol Rifles and Shotguns*

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### **432.4 RIFLE AND SHOTGUN MAINTENANCE**

- (a) Primary responsibility for maintenance of patrol rifles and shotguns shall fall on the Firearm Instructors who shall inspect and service each patrol rifle and shotgun on a 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 Firearm Instructors.

### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Patrol Rifles and Shotguns*

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#### **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 Lexipol Policy Manual § 432.8.
- (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 should be carried in the following manner; magazine tube with 5 rounds of buckshot, side saddle containing 6 rounds of slug.

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## Field Training Officer Program

### 433.1 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.

### 433.2 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.

#### 433.2.1 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.

#### 433.2.2 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.

### 433.3 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Field Training Officer Program*

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- (e) Monitor individual FTO performance.
- (f) Monitor overall FTO Program.
- (g) Maintain liaison with FTO Coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

#### **433.4 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.

#### **433.5 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.

##### **433.5.1 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.

#### **433.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

##### **433.6.1 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Field Training Officer Program*

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- (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.

#### **433.6.2 FIELD TRAINING SUPERVISOR**

The Field Training Supervisor will review and approve the Weekly Trainee Performance Evaluations submitted by the FTO.

#### **433.6.3 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.

#### **433.7 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.

#### **433.8 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.

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## Obtaining Air Support

### 435.1 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.

### 435.2 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.

#### 435.2.1 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

### 437.1 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.

### 437.2 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.

### 437.3 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.



# Spokane County Sheriff's Office

## Policy Manual

### *Detentions And Photographing Detainees*

---

- (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.
- (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.

#### 437.3.1 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.

#### 437.3.2 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.

## *Detentions And Photographing Detainees*

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### **437.4 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:

- (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.

### **437.5 FIELD PHOTOGRAPHS**

Before photographing any field detainee, the deputy shall carefully consider, among other things, the factors listed below.

#### **437.5.1 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).

#### **437.5.2 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.

## *Detentions And Photographing Detainees*

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### **437.6 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.

### **437.7 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.

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.

#### **437.7.1 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 (LGGRRS) 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.

### **437.8 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

# Spokane County Sheriff's Office

## Policy Manual

### *Detentions And Photographing Detainees*

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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.

#### 437.8.1 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.

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

# Spokane County Sheriff's Office

## Policy Manual

### *Detentions And Photographing Detainees*

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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 Organizations

### 439.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Spokane County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

#### 439.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

### 439.2 POLICY

The Spokane County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

### 439.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20 and RCW 43.43.762.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

#### 439.3.1 SYSTEM ENTRIES

It is the designated supervisor's or authorized designee's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor or authorized designee should ensure copies of those

### *Criminal Organizations*

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documents are retained by the designated unit. Any supporting documentation for an entry shall be retained by the designated unit in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor or authorized designee should ensure that any documents retained by the designated unit are appropriately marked as intelligence information. Such documents may not be purged without the approval of the designated supervisor or authorized designee.

#### **439.3.2 SYSTEM ENTRIES**

It is the designated supervisor's or authorized designee's responsibility to approve the entry of any information into a criminal intelligence system operated by the state patrol and authorized by RCW 43.43.762. Entries into such a database shall be based upon reasonable suspicion of criminal activity or actual criminal activity, and must be supported by documentation, where documentation is available (RCW 43.43.762(2)).

#### **439.4 TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

##### **439.4.1 FILE CONTENTS**

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Division or Property and Evidence Facility, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Combined Communication Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

## *Criminal Organizations*

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### **439.4.2 FILE REVIEW AND PURGING**

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged in compliance with the department records retention schedule or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor or authorized designee shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor or authorized designee.

### **439.5 INFORMATION RECOGNITION**

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

### **439.6 RELEASE OF INFORMATION**

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Release and Security Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

### **439.7 CRIMINAL STREET GANGS**

The designated supervisor or authorized designee should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.



## *Criminal Organizations*

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- (b) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

### **439.8 TRAINING**

The designated supervisor or authorized designee should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties
- (b) Participation in a multi-agency criminal intelligence system.
- (c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.
- (f) All users of the Washington criminal street gang database and Gangnet shall receive training on its use prior to accessing the database (RCW 43.43.762).

## Shift Commanders

### **441.1 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.

### **441.2 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

### 445.1 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.

### 445.2 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.

#### 445.2.1 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.

#### 445.2.2 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.

#### 445.2.3 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Mobile Digital Computer Use*

---

Other changes in status may be entered by depressing the appropriate keys on the MDDs.

#### **445.3 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Mobile Digital Computer Use*

---

- (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.
- (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.

#### 445.3.1 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Mobile Digital Computer Use*

---

#### 445.3.2 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

## 449.1 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).

### 449.1.1 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).

## 449.2 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

## *Medical Marijuana*

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arrests related to marijuana that the deputy reasonably believes would not be prosecuted by state or federal authorities.

### **449.3 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.

#### **449.3.1 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.

#### **449.3.2 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;



# Spokane County Sheriff's Office

## Policy Manual

### *Medical Marijuana*

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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
    - (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.

#### 449.3.3 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;

## *Medical Marijuana*

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- (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.

### **449.3.4 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.

### **449.4 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.

### **449.5 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

### 452.1 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

### 452.2 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.

#### 452.2.1 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.

#### 452.2.2 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.

### 452.3 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Marine Enforcement Unit*

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- (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.
- (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.

#### **452.4 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.

#### **452.5 UNIFORM**

Marine Enforcement Unit uniforms can be found in Marine Enforcement Unit Standard Operating Procedure Manual.

# Foot Pursuit Policy

## 453.1 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.

### 453.1.1 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.

## 453.2 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.

## *Foot Pursuit Policy*

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### **453.3 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:

- (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.

## *Foot Pursuit Policy*

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### **453.4 RESPONSIBILITIES IN FOOT PURSUITS**

#### **453.4.1 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:

- (a) Unit identifier.
- (b) Location and direction of travel.
- (c) Reason for the foot pursuit.
- (d) Number of suspects and description.
- (e) 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.

#### **453.4.2 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.

#### **453.4.3 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

# Spokane County Sheriff's Office

## Policy Manual

### *Foot Pursuit Policy*

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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.

#### **453.4.4 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.

#### **453.5 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

### 459.1 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.

### 459.2 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.

### 459.3 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.

### 459.4 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Automated License Plate Readers*

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The Spokane Valley City Precinct Commander is responsible to ensure proper collection and retention of ALPR data.

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.

#### **459.5 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

## 461.1 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 Emergent Detentions Policy).

### 461.1.1 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.

## 461.2 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.

### 461.2.1 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.

## *Homeless Persons*

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- (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.
- (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).

### **461.3 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.

### **461.4 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.

### *Homeless Persons*

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#### **461.5 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.

## Public Recording of Law Enforcement Activity

### 462.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 462.2 POLICY

The Spokane County Sheriff's Office recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 462.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the deputies.
  - 4. Being so close to the activity as to interfere with a deputy's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the deputies, him/herself or others.

### 462.4 OFFICER/DEPUTY RESPONSE

Deputies should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

## *Public Recording of Law Enforcement Activity*

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

### **462.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

### **462.6 SEIZING RECORDINGS AS EVIDENCE**

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

# Spokane County Sheriff's Office

Policy Manual

## *Public Recording of Law Enforcement Activity*

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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 OFFICER\_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:

# Spokane County Sheriff's Office

## Policy Manual

### *Traffic Function and Responsibility*

---

#### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

#### 500.3.2 CITATIONS 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 a 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 who is also driving on a suspended or revoked license, the deputy should issue a traffic citation or make an arrest as appropriate.

#### 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).

# Spokane County Sheriff's Office

## Policy Manual

### *Traffic Function and Responsibility*

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#### **500.5 HIGH-VISIBILITY VESTS**

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

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 member.

##### **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.

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# 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 \$1,000 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Traffic Collision Reporting*

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#### 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.

#### 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 \$1,000.00 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

# Spokane County Sheriff's Office

## Policy Manual

### *Traffic Collision Reporting*

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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.



## *Vehicle Towing Policy*

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- (b) When a vehicle is being held as evidence in connection with an investigation.

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); RCW 46.55.360).
- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Towing Policy*

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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 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 CHEMICAL TESTS

A person is deemed to have consented to a chemical test or tests under any of the following (RCW 46.20.308):

- (a) The arresting deputy has reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug.
- (b) The arresting deputy has reasonable grounds to believe a person under the age of 21 was driving or in actual physical control of a motor vehicle while having a blood alcohol concentration of at least 0.02 or a THC concentration above 0.00 (RCW 46.61.503).
- (c) The deputy has stopped a person operating a commercial motor vehicle license and has probable cause to believe that the person was driving while having alcohol in the person's system or while under the influence of any drug (RCW 46.25.120).

#### 514.5.1 BREATH TESTS

The Traffic Sergeant 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Impaired Driving*

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Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308).

#### **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.

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.

A blood sample may be obtained only with the consent of the individual or as otherwise provided in this policy (RCW 46.20.308).

#### **514.6 REFUSALS**

When a person refuses to provide a chemical sample, deputies should:

- (a) Advise the person of the requirement to provide a sample (RCW 46.20.308).
- (b) Audio-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

#### **514.6.1 BLOOD SAMPLE WITHOUT CONSENT**

A blood sample may be obtained from a person who is unconscious or who has been arrested and refuses a chemical test when any of the following conditions exist (RCW 46.20.308):

- (a) A search warrant has been obtained.
- (b) Exigent circumstances exist and the person has been arrested for one of the following offenses:
  - 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).

## *Impaired Driving*

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6. Vessel accident in which there has been serious bodily injury to another person or death while under the influence of marijuana or any drug (RCW 79A.60.040).

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 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.

### 514.6.2 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.

## *Impaired Driving*

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- (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)).

Arrests supported by probable cause for DUI are mandatory if the person has been convicted of DUI in the past 10 years (RCW 10.31.100).

#### **514.7.2 OFFICER/DEPUTY RESPONSIBILITIES**

If a person refuses to submit to a chemical 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) Advise the person that his/her marked license or permit is a temporary license.
- (d) 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 chemical test shall provide the person with the mandatory warnings pursuant to RCW 46.20.308(2).

#### **514.7.4 ADDITIONAL TESTING**

A person submitting to a chemical 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/BUREAU 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.

### *Impaired Driving*

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#### **514.9 ADMINISTRATIVE HEARINGS**

The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DOL.

Any deputies who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Deputies called to testify at an administrative hearing should document the hearing date and the DOL file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Division should forward this to the prosecuting attorney as part of the case file.

#### **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.



## 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Traffic Citations and Notices of Infraction (NOI)*

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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.

#### **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)).

## **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 Investigative Division 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

## 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Spokane County Sheriff's Office seizes property for forfeiture or when the Spokane County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The department member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

**Property subject to forfeiture** - Generally includes, but is not limited to:

- (a) Firearms that were carried, possessed or sold illegally (RCW 9A.41.098).
- (b) Devices, profits, proceeds, associated equipment and conveyances related to illegal gambling (RCW 9A.46.231).
- (c) Interests, proceeds, etc. related to organized crime (RCW 9A.82.060), criminal profiteering (RCW 9A.82.080), human trafficking (RCW 9A.40.100), commercial sexual abuse of a minor (RCW 9A.68A.100) or promoting prostitution (RCW 9A.88.070) (RCW 9A.82.100).
- (d) Proceeds traceable to or derived from money laundering (RCW 9A.83.020; RCW 9A.83.030).
- (e) Property acquired or maintained in relation to commercial sexual abuse of a minor (RCW 9A.68A.100), promoting commercial sexual abuse of a minor (RCW 9A.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070), and conveyances used to facilitate these offenses (RCW 9A.88.150).
- (f) Personal property, money, a vehicle, etc. that was used to commit a felony or was acquired through the commission of a felony not covered under another forfeiture statute (RCW 10.105.010).
- (g) Personal property, money, a vehicle, etc. that was acquired through the commission of a crime involving theft, trafficking or unlawful possession of commercial metal property, or facilitating such crimes (RCW 19.290.230).

# Spokane County Sheriff's Office

## Policy Manual

### Asset Forfeiture

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- (h) Conveyances, including aircraft, vehicles or vessels, used for the violation of the Uniform Controlled Substances Act and proceeds from these violations (money, real property, etc.) (RCW 69.50.505).
- (i) Boats, vehicles, gear, etc. used for poaching/wildlife crimes (RCW 77.15.070).

**Seizure** - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

#### 606.2 POLICY

The Spokane County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Spokane County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

#### 606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

##### 606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Real or personal property subject to forfeiture identified in a court order authorizing seizure.
- (b) Property subject to forfeiture without a court order when the property is lawfully seized incident to an arrest, the service of a search warrant or the service of an administrative inspection warrant.
- (c) Property subject to forfeiture can also be seized without a court order when:
  - 1. There is probable cause to believe that the property was used or is intended to be used for illegal gambling (RCW 9.46.231).
  - 2. There is probable cause to believe that the property was used or is intended to be used for the commercial sexual abuse of a minor (RCW 9.68A.100; RCW 9.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070) (RCW 9A.88.150).
  - 3. There is probable cause to believe that the property was used or is intended to be used in the commission of any felony (RCW 10.105.010). See also separate statutes regarding seizures for felonies involving commercial metal, "bootlegging," criminal profiteering or money laundering (RCW 19.290.00095; RCW 66.32.020; RCW 9A.82.100; RCW 9A.83.030).



# Spokane County Sheriff's Office

## Policy Manual

### *Asset Forfeiture*

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4. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act (RCW 69.50.505).
5. There is probable cause to believe that the property was used or is intended to be used for poaching/wildlife crimes (RCW 77.15.070).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

#### **606.3.2 PROPERTY NOT SUBJECT TO SEIZURE**

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Property from an "innocent owner," or a person who had no knowledge of the offense or who did not consent to the property's use.
- (c) No vehicle or other conveyance based on a misdemeanor involving marijuana (RCW 69.50.505).
- (d) Vehicles/conveyances that would be subject to forfeiture if more than 10 days have elapsed since the owner's arrest and no court order has been issued (RCW 9A.46.231; RCW 9A.88.150; RCW 69.50.505).

#### **606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The deputy will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

# Spokane County Sheriff's Office

## Policy Manual

### *Asset Forfeiture*

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Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

#### **606.5 MAINTAINING SEIZED PROPERTY**

The Property and Evidence Facility Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

#### **606.6 FORFEITURE REVIEWER**

The Sheriff will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly those cited in this policy and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:

# Spokane County Sheriff's Office

## Policy Manual

### *Asset Forfeiture*

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1. Names and contact information for all relevant persons and law enforcement officers involved.
  2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
  3. A space for the signature of the person from whom cash or property is being seized.
  4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that deputies who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
1. Written documentation of the seizure and the items seized is in the case file.
  2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
    - (a) Generally, 15 days' notice. (Gambling RCW 9.46.231; Money laundering RCW 9A.83.030; Child prostitution RCW 9A.88.150; Felonies RCW 10.105.010; Commercial metal RCW 19.290.230; Controlled substances RCW 69.50.505; Fish and wildlife enforcement RCW 77.15.070).
    - (b) Generally, 10 days' notice for conveyances. (Gambling RCW 9.46.231; Child prostitution RCW 9A.88.150; Controlled substances RCW 69.50.505).
  4. Property is promptly released to those entitled to its return.
  5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
  6. Any cash received is deposited with the fiscal agent.
  7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
  8. Current minimum forfeiture thresholds are communicated appropriately to deputies.

# Spokane County Sheriff's Office

## Policy Manual

### *Asset Forfeiture*

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9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan is available that enables the Sheriff to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
  - (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
  - (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Spokane County Sheriff's Office unless the Sheriff authorizes in writing the retention of the property for official use.
  - (l) Addressing any landlord claims for reimbursement through forfeited assets or damage to property (RCW 9.46.231; RCW 69.50.505).
  - (m) Compensating victims of commercial metal crimes within 120 days (RCW 19.290.230).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives.

#### **606.7 DISPOSITION OF PROPERTY**

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Sheriff has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

# 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

# Spokane County Sheriff's Office

## Policy Manual

### *Confidential Informants*

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being signed up. All controlled substances buys and search warrants will be deconflicted through WSIN or HIDTA.

#### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Confidential Informants*

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- (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.

##### **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.



## *Eyewitness Identification*

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An 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.

## *Eyewitness Identification*

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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.

### 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.

## *Eyewitness Identification*

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- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Brady Material Disclosure*

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#### **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 are attached.

See Attachment: [County\\_Disclosure\\_Mandate\\_Procedure.pdf](#)

#### **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.

## **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Department Owned and Personal Property*

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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.

#### **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.



# Spokane County Sheriff's Office

## Policy Manual

### *Department Owned and Personal Property*

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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.

# Spokane County Sheriff's Office

## Policy Manual

### *Personal Communication Devices*

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#### **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.

## *Personal Communication Devices*

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- (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.
- (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).

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## Vehicle Maintenance

### 704.1 PURPOSE AND SCOPE

It is the expectation of the Sheriff that equipment provided by the Sheriff's Office is properly utilized and maintained. Proper use and maintenance of equipment will increase the service life of the equipment and will improve officer safety and efficiency by increasing the likelihood that the equipment is available and in proper working order when needed. To help facilitate this mission, quarterly inspection of Sheriff's Office owned vehicles and associated equipment shall be conducted.

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 as soon as practicable be removed from service for repair. Proper notification and documentation of damage shall be promptly completed by the employee who first becomes aware of the damage. The paperwork shall be promptly forwarded to a supervisor.

### 704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and for the performance of routine duties.

#### 704.3.1 PATROL VEHICLES

Deputies shall frequently inspect their assigned patrol vehicle, or daily inspect pool vehicles to 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

## *Vehicle Maintenance*

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- First aid kit
- Fire extinguisher
- Personal Protective Equipment per § 1016 and § 1024

### **704.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, deputies driving pool 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.

### **704.5 WASHING OF VEHICLES**

The interior and exterior of all units shall be kept clean 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 efficiently and appropriately. For the purposes of this policy, "County-owned" includes any vehicle owned, leased or rented by the County.

### 706.2 POLICY

The Sheriff's Office provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Sheriff's Office, tactical deployments, vehicle availability and other considerations.

#### 706.2.1 PATROL VEHICLE ASSIGNMENT

The assignment of new, replacement take-home patrol vehicles will be based on assignment (unit and precinct) and upon the following factors:

- (a) Prior record of vehicle/equipment care - This will be based on the record that the employee has acquired through periodic vehicle inspections, feedback from the fleet manager, driving record and the quantity and nature of damage reports involving department vehicles and equipment.
- (b) Work performance - This will include statistical comparisons to peers within the same shift and precinct and the supervisor's assessment of relative work quality.
- (c) Seniority - If consideration of items above do not present a meaningful and articulable difference between personnel, seniority will be used to determine vehicle assignment.

#### 706.2.2 DETECTIVE VEHICLE ASSIGNMENT

The assignment of new, replacement vehicles to investigative personnel will be conducted in similar fashion based on metrics specific to their investigative assignment.

### 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 ASSIGNED PATROL 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

# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Use*

---

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.

Supervisors shall be responsible for conducting quarterly vehicle inspections for vehicles assigned to their personnel and for documenting these inspections using the SCSO Vehicle Inspection Form.

#### 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 Shift Commander of the reason for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to members permanently assigned an individual vehicle, who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

#### 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.

#### 706.3.4 TAKE-HOME VEHICLE ELIGIBILITY

- (a) To be eligible for take-home patrol vehicle assignment employees assigned to SCSO unincorporated patrol must reside within Spokane County or within 20 miles of the border of Spokane County. Spokane Valley patrol personnel must live within Spokane County or within 20 miles of the City limits of Spokane Valley.
- (b) Personnel assigned to Spokane Valley shall be within the city limits of Spokane Valley for the duration of their shift (excluding trips to jail, follow-up investigation, back-up, etc.). Personnel assigned to unincorporated shall be within Spokane County for the duration of their shift (excluding follow-up investigation, back-up, etc).
- (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.



# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Use*

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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 that 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.

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 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. 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Use*

---

- (c) Employees shall ensure that their vehicle is locked any time that they are away from the vehicle and that all firearms and kinetic impact weapons are properly locked within the interior of the vehicle.
- (d) Commissioned personnel shall have in their possession a badge, ID, handcuffs, portable radio and handgun when operating a Sheriff's Office vehicle.
- (e) Employees shall not make personal stops at questionable businesses or transport questionable purchases from businesses (e.g. alcohol, non-taxed cigarettes, gambling establishments, pornographic materials, etc.)
- (f) Employees shall refrain from:
  - 1. Making any mechanical adjustments except in extreme emergency situations;
  - 2. Altering the body, general design, appearance, markings, mechanical or electrical systems;
  - 3. Adding bumper stickers or altering license plates and/or frames;
  - 4. Making any repairs or having repairs made to the vehicle other than at the authorized garage;
  - 5. Using fuel, oil, lubricant, other liquid additives in the vehicle other than those issued at the authorized fleet garage.

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.

#### **706.6 MAINTENANCE**

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

# Spokane County Sheriff's Office

## Policy Manual

### *Vehicle Use*

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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 shall make quarterly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained and equipped 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.

## **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

### *Crime Analysis*

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- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

#### **800.4 CRIME ANALYSIS DISSEMINATION**

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of 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

## *Communication Operations*

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- Time of deputy's return to service
- Disposition, clearance code or status of reported incident

### **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

# Spokane County Sheriff's Office

## Policy Manual

### *Property and Evidence*

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#### **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.

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.

# Spokane County Sheriff's Office

## Policy Manual

### *Property and Evidence*

---

#### 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 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Property and Evidence*

---

- (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. 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Property and Evidence*

---

#### **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.

#### **804.3.5 STORAGE OF SURRENDERED FIREARMS**

Deputies shall accept and store a firearm from any individual who has been ordered by a court under RCW 9.41.800 to surrender the firearm (RCW 9.41.0001). The deputy receiving the firearm shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the firearm's serial number.
- (c) Record the date that the firearm was accepted for storage.
- (d) Prepare a property receipt form and provide a copy to the individual who surrendered the firearm.

The evidence technician shall store a firearm accepted pursuant to this policy. The firearm shall be returned to the owner as provided by the court order or any additional court order.

#### **804.4 PACKAGING OF PROPERTY**

- (a) Certain items require special consideration and shall be booked separately as follows:
- (b) Narcotics and dangerous drugs.
- (c) Firearms (ensure they are unloaded and booked separately from ammunition).
- (d) Property with more than one known owner.
- (e) Fireworks.
- (f) Contraband.
- (g) Glass.
- (h) Large bulk items.

# Spokane County Sheriff's Office

## Policy Manual

### *Property and Evidence*

---

#### **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

# Spokane County Sheriff's Office

## Policy Manual

### *Property and Evidence*

---

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.

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.

# Spokane County Sheriff's Office

## Policy Manual

### *Property and Evidence*

---

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.

#### 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.



# Spokane County Sheriff's Office

## Policy Manual

### *Property and Evidence*

---

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 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

# Spokane County Sheriff's Office

## Policy Manual

### *Property and Evidence*

---

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(RCW9A.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 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Property and Evidence*

---

- (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.
  - 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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## Records

### **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**

Generally, original reports shall not be removed from the Records Division. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Records Manager. All original reports removed from the Records Division shall be recorded on the Report Check-Out Log which shall constitute the only authorized manner by which an original report may be removed from the Records Division.

#### **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

# Spokane County Sheriff's Office

## Policy Manual

### Records

---

- Fingerprints
- Booking information
- 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 13.50.0002).

#### **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**

As an authorized ACCESS user, the Spokane County Sheriff's Office complies with all of the following ACCESS requirements ([ACCESS Manual, Chapter 4](#)):

- Warrant Entry
- Receiving information from outside agencies
- Recording information
- Verifying information
- Cancelling information
- Providing 24 hour access to agency warrants

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 Violent Person File (VPF) database is maintained by the National Crime Information Center (NCIC) 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 the Washington

# Spokane County Sheriff's Office

## Policy Manual

### Records

---

Crime Information Center (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 29.01 II,A):

- (a) The offender has been convicted for assault or murder/homicide of a law enforcement officer, fleeing, resisting arrest or any such statute which involves violence against law enforcement.
- (b) The offender has been convicted of a violent offense against a person to include homicide and attempted homicide.
- (c) The offender has been convicted of a violent offense against a person where a firearm or weapon was used.
- (d) A law enforcement agency, based on its official investigatory duties, reasonably believes that the individual has seriously expressed his/her intent to commit an act of unlawful violence against a member of the law enforcement or criminal justice community.

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, officer'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.

# Spokane County Sheriff's Office

## Policy Manual

### Records

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- (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.
- (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 tubular 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.



## *Restoration of Firearm Serial Numbers*

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Firearm Safety Tie.jpg

### 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.

### 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.

## *Restoration of Firearm Serial Numbers*

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### **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(3)).

**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(4)).

### 810.3 PUBLIC RECORDS OFFICER

The Records Manager is designated as the Public Records Officer and will serve as the point of contact for members of the public when requesting disclosure of public records and will oversee 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(3)).

The Public Records Officer shall complete a training program as required by RCW 42.56.152 within 90 days of assuming responsibilities for public records and complete refresher training as required (RCW 42.56.152).

# Spokane County Sheriff's Office

## Policy Manual

### *Records Release and Security*

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#### **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 business hours for record inspection or copying shall be posted on the department's website and made known by other means designed to provide the public with notice (RCW 42.56.090).

The Records Division 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 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

### *Records Release and Security*

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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.

Requests that are denied are subject to judicial review and the burden of proof is on the Department to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.550).

#### **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**

Examples of release restrictions include (RCW 42.56.240):

- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Records Release and Security*

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- (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 CRIMINAL HISTORY RECORD INFORMATION (CHRI)

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.

#### 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

All parties will first be advised to contact WSP for a copy of traffic collision reports. Copies may be obtained locally by filling out a Public Records request and adhering to the guidelines.

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

# Spokane County Sheriff's Office

## Policy Manual

### *Records Release and Security*

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- 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, driver license numbers, identicard 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.
- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Records Release and Security*

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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.



# Spokane County Sheriff's Office

## Policy Manual

### *Records Release and Security*

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- (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 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 and other information that may increase the risk to the confidentiality, integrity or availability of department security, information technology infrastructure or assets.
  3. The system security and emergency preparedness plan 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 along with documentation showing the release of the record under the Washington State retention schedule. This form will indicate to whom the record was released and the date the record was released.

# Spokane County Sheriff's Office

## Policy Manual

### *Records Release and Security*

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#### **810.9 SPOKANE COUNTY PUBLIC RECORDS**

The Spokane County Sheriff's Office follows the Spokane County Public Records Act Rules. Those rules can be found at [spokanecounty.org](http://spokanecounty.org).

# Protected Information

## 812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Spokane County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Release and Security Policy.

### 812.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Spokane County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

## 812.2 POLICY

Members of the Spokane County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

See Attachment: [UseOfSecureInformationAttachment.pdf](#)

## 812.3 RESPONSIBILITIES

The Sheriff shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Licensing (DOL) records and the Washington Crime Information Center (WACIC).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

# Spokane County Sheriff's Office

## Policy Manual

### *Protected Information*

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#### **812.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Spokane County Sheriff's Office policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

##### **812.4.1 PENALTIES FOR MISUSE OF RECORDS**

It is a misdemeanor to furnish, buy, receive or possess criminal history record information without authorization by Washington law (RCW 10.97.120).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Conduct Policy.

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 the Conduct Policy.

#### **812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know (RCW 10.97.050).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Division to ensure proper documentation of the release (see the Records Release and Security Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

##### **812.5.1 REVIEW OF CRIMINAL OFFENDER RECORD**

An individual may review his/her criminal history record information held by this department after complying with established department requirements as authorized by RCW 10.97.080.

### *Protected Information*

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#### **812.6 SECURITY OF PROTECTED INFORMATION**

The Sheriff will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

##### **812.6.1 MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

Precautions must be taken to obscure CJI from public view. For electronic devices such as computer towers and laptops, use session lock and/or privacy screens. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.

- (a) When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.

#### **812.7 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

## 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.

## *Computers and Digital Evidence*

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- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media.
- (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.

## *Computers and Digital Evidence*

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- (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.

### **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.



# Spokane County Sheriff's Office

## Policy Manual

### *Computers and Digital 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.
- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Computers and Digital Evidence*

---

#### **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:

- (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.

## Jeanne Clery Campus Security Act

### 822.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

### 822.2 POLICY

The Spokane County Sheriff's Office encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Spokane County Sheriff's Office facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Spokane County Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Spokane County Sheriff's Office and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

### 822.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Sheriff will:

- (a) Ensure that the Spokane County Sheriff's Office establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i)(iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
  1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)),
  2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
  3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
  4. Notify the Spokane County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

# Spokane County Sheriff's Office

## Policy Manual

### *Jeanne Clery Campus Security Act*

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5. Notify the Spokane County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
- (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations, in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

#### **822.4 RECORDS COLLECTION AND RETENTION**

The Crime Analysis Supervisor is responsible for maintaining Spokane County Sheriff's Office statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i)):
  1. Murder
  2. Sex offenses, forcible or non-forcible
  3. Robbery
  4. Aggravated assault
  5. Burglary

# Spokane County Sheriff's Office

## Policy Manual

### *Jeanne Clery Campus Security Act*

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6. Motor vehicle theft
  7. Manslaughter
  8. Arson
  9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii)).
- (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(7)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 42 USC § 13925(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(4)):
1. On campus.
  2. In or on a non-campus building or property.
  3. On public property .
  4. In dormitories or other on-campus, residential or student facilities.
- (d) Statistics will be included by the calendar year in which the crime was reported to the Spokane County Sheriff's Office (34 CFR 668.46(c)(2)).
- (e) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

#### 822.4.1 CRIME LOG

The Crime Analysis Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Spokane County Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.

# Spokane County Sheriff's Office

## Policy Manual

### *Jeanne Clery Campus Security Act*

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- (b) All log entries shall be made within two business days of the initial report being made to the Department.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
  - 1. Disclosure of the information is prohibited by law.
  - 2. Disclosure would jeopardize the confidentiality of the victim.
  - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

#### **822.5 INFORMATION DISSEMINATION**

It is the responsibility of the Sheriff's designee to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with the institution's procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e) and (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to, the following:
  - 1. Crime statistics
  - 2. Crime and emergency reporting procedures
  - 3. Policies concerning security of and access to campus facilities
  - 4. Crime and sexual assault prevention programs
  - 5. Enforcement policies related to alcohol and illegal drugs

# Spokane County Sheriff's Office

## Policy Manual

### *Jeanne Clery Campus Security Act*

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6. Locations where the campus community can obtain information about registered sex offenders
7. Emergency response and evacuation procedures
8. Missing student notification procedures

## **Chapter 9 - Custody**



# Custodial Searches

## 902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Spokane County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual in custody.

### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

## 902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

## 902.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

# Spokane County Sheriff's Office

## Policy Manual

### *Custodial Searches*

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#### **902.4 SEARCHES AT SHERIFF'S FACILITIES**

Custody searches shall be conducted on all individuals in custody, upon entry to the Spokane County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

##### **902.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Spokane County Sheriff's Office identification number and information regarding how and when the property may be released.

#### **902.5 STRIP SEARCHES**

No individual in temporary custody at any Spokane County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband that constitutes a threat to the facility. Probable cause is required for a strip search when there is a belief the individual is concealing on his/her body evidence not constituting a threat to the facility (RCW 10.79.130).

Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to (RCW 10.79.140):

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

# Spokane County Sheriff's Office

## Policy Manual

### *Custodial Searches*

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- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).
- (f) The nature of the offense.

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

#### 902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Spokane County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Shift Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner (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 it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include (RCW 10.79.150):
  - 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 individual who was searched.
  - 5. The name, serial number of the deputy and sex of the members 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Custodial Searches*

---

9. A list of the items, if any, that were recovered.
  10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
  11. Any health condition discovered.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) Except at the request of the individual, no person, other than those who are participating in the search, shall be present or able to observe the search (RCW 10.79.150).
- (i) A copy of the written authorization shall be maintained in the file of the individual who was searched (RCW 10.79.150).

#### 902.5.2 RESTRICTIONS

Strip searches should be limited to those situations where such searches are necessary. Reasonable efforts to use less intrusive methods, such as pat-downs/frisk, electronic metal detector or clothing searches shall be made prior to any strip search (RCW 10.79.060; RCW 10.79.140).

#### **902.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Commander and only upon a search warrant. If authorization from the Shift Commander is received electronically, it shall be printed and signed by the Shift Commander as soon as possible (RCW 10.79.080). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a qualified physician, registered nurse or physician's assistant may conduct a physical body cavity search (RCW 10.79.100).
- (c) Except for the qualified physician, registered nurse or physician's assistant conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

# Spokane County Sheriff's Office

## Policy Manual

### *Custodial Searches*

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- (e) All such searches shall be documented, including (RCW 10.79.080):
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The Shift Commander's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date, location and description of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any department members present.
  - 8. A statement of the results of the search and a list of any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.
- (g) Before any physical body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search and a thorough clothing search, as appropriate, must be used. No physical body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security or evidentiary concerns of the department (RCW 10.79.080).
- (h) The Shift Commander may allow the individual to have a readily available witness, of the individual's choosing, present at the time the search is conducted. The person chosen shall not be currently in custody or present an unreasonable security risk (RCW 10.79.100).

#### **902.7 TRAINING**

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. The search must be conducted by a physician, registered nurse, or physician's assistant.

## **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:

# Spokane County Sheriff's Office

## Policy Manual

### *Recruitment and Selection*

---

#### 1000.3.1 OPERATION OF A MOTOR VEHICLE

- (a) The ability to possess a valid Washington driver's license.
- (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.



# Spokane County Sheriff's Office

## Policy Manual

### *Recruitment and Selection*

---

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.
- (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 three 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Recruitment and Selection*

---

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.
  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.

# Spokane County Sheriff's Office

## Policy Manual

### *Recruitment and Selection*

---

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.
  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.

# Spokane County Sheriff's Office

## Policy Manual

### *Recruitment and Selection*

---

#### 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 one year 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Recruitment and Selection*

---

#### 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:
  - 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Evaluation of Employees*

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#### 1002.3.1 RESERVE DEPUTY EVALUATIONS

Reserve deputy evaluations are covered under the Reserve Deputies Policy.

#### 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



### *Evaluation of Employees*

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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 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Evaluation of Employees*

---

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

# Spokane County Sheriff's Office

## Policy Manual

### *Promotional, Specialized Assignment and Transfer Policy*

---

- (j) Small Contract Cities
- (k) Intelligence Lead Policing Corporals

#### 1004.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- (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

# Spokane County Sheriff's Office

## Policy Manual

### *Promotional, Specialized Assignment and Transfer Policy*

---

- (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
- (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

# Spokane County Sheriff's Office

## Policy Manual

### *Grievance Procedure*

---

#### **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.

#### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Grievance Procedure*

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## Anti-Retaliation

### 1008.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement or memorandum of understanding.

### 1008.2 POLICY

The Spokane County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 1008.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning unreasonably avoiding a person because he/she has engaged in protected activity.

## *Anti-Retaliation*

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### **1008.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the County Director of Human Resources.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

### **1008.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

# Spokane County Sheriff's Office

## Policy Manual

### *Anti-Retaliation*

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#### **1008.6 COMMAND STAFF RESPONSIBILITIES**

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

#### **1008.7 WHISTLE-BLOWING**

Washington law protects members who make good faith reports of improper government actions. Improper government actions include violations of Washington law, abuse of authority, gross waste of funds, and substantial and specific danger to the public health or safety (RCW 42.40.010 et seq.; RCW 49.60.210; RCW 42.41.010 et seq.).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Office of Professional Standards for investigation pursuant to the Personnel Complaints Policy.

##### **1008.7.1 DISPLAY OF REPORTING PROCEDURES**

The Department shall display the County policy to members regarding their rights and the procedures for reporting information of an alleged improper government action. A copy of the policy shall be made available to members upon request (RCW 42.41.030).

#### **1008.8 RECORDS RETENTION AND RELEASE**

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

#### **1008.9 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

# 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)).

# Spokane County Sheriff's Office

## Policy Manual

### *Drug- and Alcohol-Free Workplace*

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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. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

#### 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

# Spokane County Sheriff's Office

## Policy Manual

### *Drug- and Alcohol-Free Workplace*

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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, 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



# Spokane County Sheriff's Office

## Policy Manual

### *Sick Leave Reporting*

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amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Communicable Diseases*

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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.

# Spokane County Sheriff's Office

## Policy Manual

### *Communicable Diseases*

---

- 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.
- 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).

# Spokane County Sheriff's Office

## Policy Manual

### *Communicable Diseases*

---

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).

#### 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).

# Spokane County Sheriff's Office

## Policy Manual

### *Communicable Diseases*

---

#### 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).

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

# Spokane County Sheriff's Office

## Policy Manual

### *Communicable Diseases*

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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, 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

# Spokane County Sheriff's Office

## Policy Manual

### *Communicable Diseases*

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- (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 employee's file and one copy to Risk Management.
- 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.



# Spokane County Sheriff's Office

## Policy Manual

### *Communicable Diseases*

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- 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).

#### 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

# Spokane County Sheriff's Office

## Policy Manual

### *Communicable Diseases*

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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.

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## 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Personnel Complaints*

---

(b) The complainant declines to provide a formal written complaint for whatever reason but clearly expresses a desire that their complaint be investigated.

(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. See attached form.

See Attachment: [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.

# Spokane County Sheriff's Office

## Policy Manual

### *Personnel Complaints*

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- (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 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:

# Spokane County Sheriff's Office

## Policy Manual

### *Personnel Complaints*

---

- (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 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:

# Spokane County Sheriff's Office

## Policy Manual

### *Personnel Complaints*

---

- (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.
- (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 non-sworn 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.



# Spokane County Sheriff's Office

## Policy Manual

### *Personnel Complaints*

---

#### **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 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Personnel Complaints*

---

#### 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:

**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.

## *Personnel Complaints*

---

**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.

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.

# Spokane County Sheriff's Office

## Policy Manual

### *Personnel Complaints*

---

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 current plus six 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Seat Belts*

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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.

### *Body Armor*

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#### **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 (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Personnel Files*

---

**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 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).

# Spokane County Sheriff's Office

## Policy Manual

### *Personnel Files*

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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:
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.

# Spokane County Sheriff's Office

## Policy Manual

### *Personnel Files*

---

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.
- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Personnel Files*

---

- (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.
- (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

# Spokane County Sheriff's Office

## Policy Manual

### *Personnel Files*

---

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.

- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Personnel Files*

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- (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 (LGGRS) 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.

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# 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 1<sup>st</sup> 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

# Spokane County Sheriff's Office

## Policy Manual

### *Employee Commendations*

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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:

**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.

# Spokane County Sheriff's Office

## Policy Manual

### *Employee Commendations*

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- 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:

- 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:

# Spokane County Sheriff's Office

## Policy Manual

### *Employee Commendations*

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- 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

# Spokane County Sheriff's Office

## Policy Manual

### *Fitness for Duty*

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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.

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:

### *Fitness for Duty*

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- 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.

#### **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.



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## 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Lactation Break Policy*

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#### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Overtime Payment Requests*

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#### **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, (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

# Spokane County Sheriff's Office

## Policy Manual

### *Outside Employment*

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Office under the contracted agreement through the department and as such 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Outside Employment*

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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

# Spokane County Sheriff's Office

## Policy Manual

### *Outside Employment*

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overtime assignments and other job-related demands that occur outside regular working hours.

#### **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.



### *Outside Employment*

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#### **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 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Outside Employment*

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(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

# Spokane County Sheriff's Office

## Policy Manual

### *On Duty Injuries*

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and duration of any work restrictions if they are known. In addition, such 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.

# Spokane County Sheriff's Office

## Policy Manual

### *On Duty Injuries*

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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.

## *Personal Appearance Standards*

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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 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. See attached manual.

See Attachment:

[CURRENT\\_UNIFORM\\_AND\\_EQUIPMENT\\_SPECIFICATIONS\\_MANUAL.pdf](#)

## 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.



# Spokane County Sheriff's Office

## Policy Manual

### *Uniform Regulations*

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- (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.
  - 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 Sheriff's Office

## Policy Manual

### *Uniform Regulations*

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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.
- (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.

# Spokane County Sheriff's Office

## Policy Manual

### *Uniform Regulations*

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- (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).

#### **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.

# Spokane County Sheriff's Office

## Policy Manual

### *Nepotism and Conflicting Relationships*

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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.
  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 uninvolved, 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 uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

# Spokane County Sheriff's Office

## Policy Manual

### *Nepotism and Conflicting Relationships*

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#### 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Domestic Violence Involving Law Enforcement Employees*

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- (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. 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.



# Spokane County Sheriff's Office

## Policy Manual

### *Domestic Violence Involving Law Enforcement Employees*

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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.

#### **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

# Spokane County Sheriff's Office

## Policy Manual

### *Domestic Violence Involving Law Enforcement Employees*

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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 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Domestic Violence Involving Law Enforcement Employees*

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#### 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.
- (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

# Spokane County Sheriff's Office

## Policy Manual

### *Domestic Violence Involving Law Enforcement Employees*

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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.
- (e) Information related to relevant confidentiality policies related to the victim's information and public disclosure as provide by law.

# Spokane County Sheriff's Office

## Policy Manual

### *Domestic Violence Involving Law Enforcement Employees*

---

- (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.

## *Department Badges*

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### **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.

Department badges are issued to all sworn employees and non-sworn 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.

## Temporary Modified-Duty Assignments

### 1055.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

### 1055.2 POLICY

Subject to operational considerations, the Spokane County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

### 1055.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Washington Law Against Discrimination shall be treated equally, without regard to any preference for a work-related injury.

No position in the Spokane County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

### 1055.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.



# Spokane County Sheriff's Office

## Policy Manual

### *Temporary Modified-Duty Assignments*

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Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature of the illness or injury.
- (b) The prognosis for recovery and estimated date of return to full duty.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Sheriff or designee regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Civil Service or the Prosecuting Attorney as appropriate.

#### **1055.5 ACCOUNTABILITY**

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander. 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.

##### **1055.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors as necessary while assigned to temporary modified duty.
- (d) Submit another request for modified duty whenever the employee is unable to return to full duty by the estimated date of return.

# Spokane County Sheriff's Office

## Policy Manual

### *Temporary Modified-Duty Assignments*

---

#### **1055.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

#### **1055.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

#### **1055.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

##### **1055.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

#### **1055.8 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 their assignment to temporary modified duty.

#### **1055.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees

# Spokane County Sheriff's Office

## Policy Manual

### *Temporary Modified-Duty Assignments*

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who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

# Employee Speech, Expression and Social Networking

## 1059.1 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.

### 1059.1.1 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.

## 1059.2 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.

## 1059.3 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.

# Spokane County Sheriff's Office

## Policy Manual

### *Employee Speech, Expression and Social Networking*

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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.

#### **1059.4 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).

# Spokane County Sheriff's Office

## Policy Manual

### *Employee Speech, Expression and Social Networking*

---

- (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.

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).

#### 1059.4.1 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

# Spokane County Sheriff's Office

## Policy Manual

### *Employee Speech, Expression and Social Networking*

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or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

#### **1059.5 PRIVACY EXPECTATION**

Members 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 it is accessed through department computers, electronic devices or networks. However, the Department shall not require a member to disclose a personal user name or password, or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (RCW 49.44.200).

#### **1059.6 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:

- (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.

#### **1059.7 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

# Spokane County Sheriff's Office

## Policy Manual

### *Employee Speech, Expression and Social Networking*

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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.

#### 1059.7.1 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.

#### 1059.7.2 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.

#### 1059.7.3 PERSONNEL REPRESENTING THE DEPARTMENT

Personnel representing the department via social media outlets shall do the following:

- (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.



# Spokane County Sheriff's Office

## Policy Manual

### *Employee Speech, Expression and Social Networking*

---

2. Shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials.

#### **1059.7.4 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.

#### **1059.8 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.

## **Attachments**

## **ENS\_Policy\_Procedure.pdf**

# Spokane County SO Policy Manual

## Policy Manual

### **Attachments**

## **Officer\_Involved\_Protocol.pdf**

## **Attachments**

## **DV\_Lethality\_Assessment\_Program.pdf**

## **Attachments**



## **County\_Disclosure\_Mandate\_Procedure.pdf**

## **Attachments**

## **UseOfSecureInformationAttachment.pdf**

# Spokane County SO Policy Manual

## Policy Manual

### **Attachments**

## **COMPLAINT-WITNESSForm.pdf**

## **Attachments**

**CURRENT\_UNIFORM\_AND\_EQUIPMENT\_SPECIFICATIONS\_MANUAL.pdf**

## **Attachments**



# Spokane County SO Policy Manual

## Policy Manual

## INDEX

Vehicles . . . . .	401	Suspects . . . . .	80
		BODY ARMOR . . . . .	503
		BOMB CALLS . . . . .	281
		BOMB THREATS . . . . .	283
		BOMBS	
		Canine detection . . . . .	116
		Explosive training aids . . . . .	120
		BREATH TESTS . . . . .	364
		BRIBE . . . . .	176
[		<b>C</b>	
[THE COMMUNICATIONS CENTER]		CANINES . . . . .	112
OIS . . . . .	72	CERTIFICATIONS . . . . .	554
		CHANGE OF ASSIGNMENT . . . . .	512
<b>A</b>		CHILD ABUSE	
ACCESS . . . . .	421	Definitions . . . . .	148
ADMINISTRATIVE HEARINGS . . . . .	368	CHILD SAFETY . . . . .	241
ADMINISTRATIVE INVESTIGATIONS		CHILD SAFETY SEAT . . . . .	501
OIS . . . . .	76	CHILDREN	
ADMINISTRATIVE LEAVE . . . . .	495	Firearms . . . . .	85
ADMINISTRATIVE SEARCHES . . . . .	498	CHRI . . . . .	435
AIRCRAFT		CITATIONS . . . . .	355
Flying while armed . . . . .	87	Immigration hold . . . . .	306
AIRCRAFT ACCIDENTS . . . . .	309	CIVIL	
ALCOHOL . . . . .	477	Liability response . . . . .	77
ALCOHOL USE . . . . .	477	Warrant . . . . .	304
AMMUNITION . . . . .	83	COMMUNICABLE DISEASES . . . . .	482
Canines . . . . .	112	Confidentiality . . . . .	489
ANIMALS		Counseling . . . . .	489
Dangerous . . . . .	86	COMMUNICATION OPERATIONS . . . . .	407
Euthanize . . . . .	86	COMMUNICATIONS WITH HEARING	
Injured . . . . .	86	IMPAIRED OR DISABLED . . . . .	233
ANTI-RETALIATION . . . . .	473	COMPUTER USE . . . . .	184
APPOINTMENTS		CONDUCT	
Canine Coordinator . . . . .	112	OIS . . . . .	72
ARRESTS		CONDUCT UNBECOMING . . . . .	176
Immigrants . . . . .	305	CONFIDENTIAL INFORMANTS . . . . .	381
AUTHORITY . . . . .	11	Payment Procedure . . . . .	383
Canine handler . . . . .	113	CONFIDENTIAL INFORMATION . . . . .	178
Canine handler . . . . .	113	CONSTITUTIONAL REQUIREMENTS . . . . .	11
Canine handler . . . . .	114	CONSULAR OFFICERS . . . . .	294
AUXILIARY RESTRAINTS . . . . .	56	CONTROL DEVICES . . . . .	58
		CONTROL DEVICES . . . . .	58
		CORRESPONDENCE . . . . .	33
		COURT APPEARANCE . . . . .	201
		COURT ORDERS	
		Canine controlled substance . . . . .	119
<b>B</b>		COURTROOM ATTIRE . . . . .	203
BARRICADED SUSPECTS . . . . .	276	COURTROOM PROTOCOL . . . . .	203
BATON . . . . .	59	CRIME SCENE . . . . .	262
BETTING . . . . .	176	CRIMINAL ACTIVITIES . . . . .	176
BIAS-BASED PROFILING . . . . .	258		
BLOOD TESTS . . . . .	365		
BODY ARMOR			

# Spokane County Sheriff's Office

## Policy Manual

CRIMINAL ACTIVITY REPORTING . . .	192
CRIMINAL HISTORY RECORD INFORMATION . . . . .	435
CRIMINAL INTELLIGENCE . . . . .	326
CRIMINAL ORGANIZATIONS . . . . .	326
CRIMINAL STREET GANGS . . . . .	326
CUNDUCTED ENERGY DEVICE . . . . .	63
CUSTOMS AND BORDER PROTECTION (CBP) . . . . .	305

## D

DAMAGE BY COUNTY PERSONNEL . .	194
DEADLY FORCE REVIEW . . . . .	46
DEATH INVESTIGATION . . . . .	222
DEATH NOTIFICATION . . . . .	223
DEBRIEFING . . . . .	
OIS . . . . .	78
DECONTAMINATION . . . . .	484
DEFECTIVE VEHICLES . . . . .	397
DEFINITIONS OF TERMS IN MANUAL . .	17
DEPARTMENT OWNED PROPERTY . . .	391
DEPARTMENT PROPERTY . . . . .	
Loss Or Damage . . . . .	392
DEPLOYMENT . . . . .	301
DEPUTY IDENTIFICATION . . . . .	408
DIPLOMATIC AGENTS . . . . .	294
DIPLOMATIC IMMUNITY . . . . .	293
DISASTER SCENE . . . . .	262
DISCIPLINARY POLICY . . . . .	173
DISCLAIMER OF POLICIES . . . . .	17
DISCRIMINATION . . . . .	175
DISCRIMINATORY HARASSMENT . . .	143
Complaints . . . . .	145
Definitions . . . . .	143
Supervisor's Role . . . . .	145
DISGRACEFUL CONDUCT . . . . .	176
DISHONESTY . . . . .	176
DISOBEDIENCE . . . . .	176
DISPARAGING REMARKS . . . . .	176
DISPUTED CLAIMS . . . . .	418
DIVISION . . . . .	21
DOMESTIC VIOLENCE . . . . .	121
DOMESTIC VIOLENCE BY LAW . . . . .	
ENFORCEMENT EMPLOYEES . . . . .	543
DRIVING TACTICS . . . . .	96
DRUG USE . . . . .	477

## E

ELECTRICAL LINES . . . . .	308
----------------------------	-----

ELECTRO-MUSCULAR DISRUPTION TECHNOLOGY DEVICE . . . . .	63
ELECTRONIC MAIL . . . . .	31
EMERGENCY MANAGEMENT PLAN . . .	25
EMERGENCY MANAGEMENT PLAN . . .	25
EMERGENCY UTILITY . . . . .	308
EMPLOYEE ASSISTANCE . . . . .	478
EMPLOYEE COMMENDATIONS . . . .	513
EMPLOYEE CONVICTIONS . . . . .	476
ENFORCEMENT . . . . .	354
EVALUATION . . . . .	463
EVIDENCE . . . . .	
Seizing recordings . . . . .	351
EXCESSIVE FORCE . . . . .	176
EXPLOSIVES . . . . .	281
EXPOSURE CONTROL OFFICER . . . .	482
EXPOSURE(S) . . . . .	274
EXTENDED ILLNESS . . . . .	480
EYEWITNESS IDENTIFICATION . . . .	384

## F

FAILURE TO TAKE ACTION . . . . .	176
FALSE REPORT . . . . .	192
FALSE STATEMENTS . . . . .	176
FALSIFICATION OF RECORDS . . . . .	176
FIELD IDENTIFICATION . . . . .	384
FIELD INTERVIEW . . . . .	320
FIELD PHOTOGRAPHS . . . . .	320
FIELD RELEASE . . . . .	291
FIELD SOBRIETY TESTS . . . . .	364
FIELD TRAINING OFFICER . . . . .	316
FIGHTING . . . . .	174
FIREARM SERIAL NUMBERS . . . . .	424
FIREARMS . . . . .	
Retiree carry . . . . .	35
FITNESS FOR DUTY . . . . .	517
FLYING WHILE ARMED . . . . .	87
FOOT PURSUITS . . . . .	341
FORCE . . . . .	39
FOREIGN NATIONALS . . . . .	293
Arrest or Detention . . . . .	293
Arrest Procedure . . . . .	299
In-Custody Arrests . . . . .	296
Traffic Collisions . . . . .	298
Vehicle Registration . . . . .	294

## G

GAMBLING . . . . .	176
GANGS . . . . .	326

# Spokane County Sheriff's Office

## Policy Manual

GENERAL ORDER . . . . .	24
GRATUITY . . . . .	176
GRIEVANCE PROCEDURE . . . . .	470
GROOMING STANDARDS . . . . .	534
GUIDE DOGS . . . . .	245

## H

HANDCUFFING . . . . .	55
HATE CRIMES . . . . .	170
HEARING IMPAIRED . . . . .	233
HONORARY CONSULS . . . . .	294
HORSEPLAY . . . . .	174
HOSTAGES . . . . .	276

## I

IDENTITY THEFT . . . . .	224
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) . . . . .	305
IMMIGRATION VIOLATIONS . . . . .	304
IMMUNITY . . . . .	293
INITIATE A PURSUIT . . . . .	93
INJURY CLAIMS . . . . .	533
INSUBORDINATION . . . . .	176
INTERNET USE . . . . .	185
INVESTIGATION AND PROSECUTION . . . . .	374

## J

JAIL RELEASE . . . . .	291
JURISDICTION OIS . . . . .	71
JUVENILE INFORMANTS . . . . .	382
JUVENILES Citations . . . . .	291
Use as Informants . . . . .	382

## K

KINETIC PROJECTILES . . . . .	60
-------------------------------	----

## L

LEG IRONS . . . . .	56
LEG RESTRAINT . . . . .	54
LEG RESTRAINTS . . . . .	56

LIMITED ENGLISH PROFICIENCY Immigration violations . . . . .	304
LIMITED ENGLISH PROFICIENCY . . . . .	225
LINEUPS . . . . .	384
LIVE LINUP . . . . .	384
LOUDERMILL PROCEDURE . . . . .	182

## M

MANDATORY APPEARANCE . . . . .	201
MDC . . . . .	331
MEAL PERIODS AND BREAKS . . . . .	520
MEDIA OIS . . . . .	78
MEDIA REQUEST . . . . .	197
MEDICAL Canine bites . . . . .	115
For canines . . . . .	118
MEDICAL MARIJUANA . . . . .	335
MINIMUM STAFFING . . . . .	34
MISAPPROPRIATION OF PROPERTY . . . . .	176
MISSING PERSON Definitions . . . . .	155
MISUSE OF PUBLIC FUNDS . . . . .	176

## N

NEWS MEDIA RELATIONS . . . . .	197
NIBRS . . . . .	420
NOTIFICATIONS OIS . . . . .	73
NOTIFICATIONS Pregnancy . . . . .	554
NUMERICAL FILING . . . . .	420

## O

OATH . . . . .	16
OC SPRAY . . . . .	59
Canine deployment . . . . .	113
Firearm confiscation . . . . .	72
Immigration violations . . . . .	305
OFFICER SAFETY LEOSA . . . . .	35
OFFICER-INVOLVED SHOOTINGS OIS . . . . .	71
ORDERS Compliance with . . . . .	22
ORGANIZATIONAL STRUCTURE . . . . .	21

# Spokane County Sheriff's Office

## Policy Manual

OUTSIDE EMPLOYMENT	
Obtaining Approval . . . . .	526
Prohibited Outside Employment . . . . .	527
Security Employment . . . . .	528
OVERTIME PAYMENT . . . . .	523

## P

PAT-DOWN SEARCH . . . . .	320
PEACE OFFICER POWERS . . . . .	11
PEPPER PROJECTILES . . . . .	60
PEPPER SPRAY . . . . .	59
PERSONAL APPEARANCE . . . . .	534
PERSONAL PROPERTY . . . . .	391
Loss Or Damage . . . . .	392
PERSONNEL COMPLAINTS	
Acceptance . . . . .	493
Administrative Searches . . . . .	498
Disposition . . . . .	499
Documentation . . . . .	494
PERSONNEL FILES	
Defined . . . . .	505
Purging Of Files . . . . .	511
Requests For Disclosure . . . . .	506
Types Of Personnel Files . . . . .	508
PERSONNEL RECORDS . . . . .	431
PHOTO LINEUPS . . . . .	384
PHYSICAL AND MENTAL EXAMINATIONS	
. . . . .	518
PHYSICAL CONDITION . . . . .	178
POLICY MANUAL . . . . .	17
POLITICAL ACTIVITIES . . . . .	176
PREGNANCY . . . . .	554
PROMOTIONAL PROCESS . . . . .	467
Disputed Claims . . . . .	418
Packaging Of Property . . . . .	413
PROPERTY PROCEDURES	
Property Booking . . . . .	410
Property Handling . . . . .	410
Property Release . . . . .	416
PROTECTED INFORMATION . . . . .	435
PUBLIC INFORMATION OFFICER . . . . .	310
PUBLIC RECORDING OF LAW ENFORCEMENT	
ACTIVITY . . . . .	350
PURSUIT INTERVENTION . . . . .	101
PURSUIT POLICY . . . . .	92
PURSUIT UNITS . . . . .	95

## R

RACIAL PROFILING . . . . .	258
----------------------------	-----

RACIAL-BASED PROFILING . . . . .	258
RADIO COMMUNICATIONS . . . . .	408
RAPID DEPLOYMENT TEAM . . . . .	301
REASONABLE SUSPICION . . . . .	320
RELEASE OF RECORDS AND INFORMATION	
. . . . .	427
Arrest Reports . . . . .	430
Personnel Records . . . . .	431
Processing Requests . . . . .	428
REPORT CORRECTIONS . . . . .	194
REPORT PREPARATION . . . . .	192
REPORTING CONVICTIONS . . . . .	476
Domestic Violence . . . . .	476
Domestic Violence . . . . .	476
REPORTING POLICE ACTIVITY . . . . .	303
RESERVE DEPUTIES . . . . .	205
Coordinator . . . . .	207
Duties . . . . .	206
Training . . . . .	207
RESPONSE TO CALLS . . . . .	107
RESTRAINTS . . . . .	54
RESTRICTED INFORMATION . . . . .	199
RETALIATION PROHIBITED . . . . .	473
REVIEW BOARD	
Force . . . . .	46
RIDE-ALONG	
Eligibility . . . . .	269
ROLL CALL TRAINING . . . . .	261

## S

SAFETY	
Explosive training aids . . . . .	120
SEARCH & SEIZURE . . . . .	131
SEARCHES . . . . .	401
SEAT BELT PROCEDURE . . . . .	501
SECURITY EMPLOYMENT . . . . .	528
SERVICE ANIMALS . . . . .	245
SEXUAL HARASSMENT . . . . .	144
SHIFT COMMANDERS . . . . .	330
SICK LEAVE . . . . .	480
SMOKING POLICY . . . . .	491
SPECIAL ORDER . . . . .	33
SPIT HOOD . . . . .	55
SPIT MASK . . . . .	55
STAFFING LEVELS . . . . .	34
SUBPOENA DUCES TECUM . . . . .	433
SUBPOENAS . . . . .	201
Acceptance . . . . .	201
Civil Subpoenas . . . . .	203
Failure To Appear . . . . .	203
SUCCESSION OF COMMAND . . . . .	22

# Spokane County Sheriff's Office

## Policy Manual

---

### T

TASER . . . . .	63
TATTOOS . . . . .	535
TEAR GAS . . . . .	59
TEMPORARY MODIFIED-DUTY ASSIGNMENTS . . . . .	552
TERMINATE A PURSUIT . . . . .	93
TRAFFIC DEPUTY . . . . .	354
TRAFFIC FUNCTION . . . . .	354
TRAFFIC SIGNAL . . . . .	308
Canine . . . . .	118
TRAINING	
Firearms . . . . .	85
Immigration . . . . .	307
TRAINING	
Anti-Retaliation . . . . .	475
TRAINING PLAN . . . . .	27
TRAINING, CRIMINAL ORGANIZATIONS	329
TRAINING, PROTECTED INFORMATION	437
TRANSFER PROCESS . . . . .	467
TRANSPORT BELTS . . . . .	56
TRANSPORTING CHILDREN . . . . .	501
TRANSPORTING PRISONERS . . . . .	501

### U

U VISA AND T VISA . . . . .	306
UNIFORM CRIME REPORTING PROGRAM	420
UNIFORM REGULATIONS . . . . .	536
UNITY OF COMMAND . . . . .	22
USE OF FORCE . . . . .	39
USE OF FORCE . . . . .	39
UTILITY SERVICE . . . . .	308

### V

VEHICLE MAINTENANCE . . . . .	397
VULNERABLE ADULT . . . . .	139

### W

WARNINGS	
Canine . . . . .	114
WASHING OF VEHICLES . . . . .	398
WATER LINES . . . . .	308
WHISTLE-BLOWING . . . . .	475
WORKERS COMPENSATION . . . . .	531