

# Walla Walla County Sheriff's Office

Policy Manual

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## VISION & MISSION



## Walla Walla County Sheriff's Office

### Vision

#### **The Vision of the Walla Walla County Sheriff's Office**

Our vision is to be amongst the finest law enforcement agencies in the State of Washington; one which consistently delivers the highest quality public service in an effort to make Walla Walla the safest county in the nation.

### Mission

#### **The Mission of the Walla Walla County Sheriff's Office**

Our mission is to safeguard the lives, property, and rights of the people we serve; reduce the incidence and fear of crime; and to enhance public safety while working with our community to improve their quality of life. Our mandate is to do so with honor and integrity, while at all times conducting ourselves with the highest ethical standards to maintain the confidence of the public we serve.

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### CORE VALUES

#### CORE VALUES

##### **The Core Values of the Walla Walla County Sheriff's Office**

We recognize the seven pointed star badge of our office which we are privileged to wear as a symbol of public trust. With the heptagram being an ancient traditional symbol for warding off evil, each point of our badge represents one of our seven Core Values.

#### **HONOR**

Our daily actions shall embody our Vision, Mission, Core Values, and Code of Ethics.

#### **INTEGRITY**

We shall always do what is legally and morally right. We are honest and truthful in our words, and our actions shall match our words. Our integrity will build trust and confidence. Integrity is our moral defense against corruption.

#### **LOYALTY**

We bear true faith and allegiance to the United States of America, the State of Washington, and the County of Walla Walla. We are loyal and faithful to our fellow law enforcement officers and the citizens we serve.

#### **COURAGE**

We shall have the personal courage to stand up for what is right.  
We will remain courageous and calm in the face of danger.

#### **COMMITMENT**

We are committed to our profession, the vision and mission of the Walla Walla County Sheriff's Office, and an accountable partnership with our community.

#### **DUTY**

# Walla Walla County Sheriff's Office

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### *Core Values*

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We will fulfill our obligations with selfless service and reverence for the law.

#### **FAIRNESS**

We will be courteous, just, and impartial in all of our interactions. We respect law and order and the individual. We will apply our knowledge and experience for the best advantage of all concerned. We will treat everyone with dignity and our decisions shall be made without personal favor.

## CODE OF ETHICS

### Law Enforcement Code of Ethics

**As a Law Enforcement Officer**, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.

**I will** keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my office. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

**I recognize** the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

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## **Chapter 1 - Law Enforcement Role and Authority**

# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Walla Walla County Sheriff's Office to perform their functions based on established legal authority.

## 100.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to limit its members to only exercise the authority granted to them by law.

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

## 100.3 PEACE OFFICER POWERS

Sworn members of this office are authorized to exercise peace officer powers pursuant to applicable state law.

### 100.3.1 OREGON AUTHORITY

Sworn members of this office who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles of the Washington-Oregon border under the following circumstances (ORS 133.405):

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.
- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, whether or not an Oregon law enforcement official is present at the scene of the incident.

Walla Walla County Sheriff's Office deputies have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, deputies should seek permission from a office supervisor before entering Oregon to provide law enforcement services. As soon as practicable, deputies exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

## *Law Enforcement Authority*

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### **100.3.2 ARREST AUTHORITY**

The arrest authority of the Walla Walla County Sheriff's Office includes (RCW 10.31.100):

- (a) When the peace officer has probable cause to believe that a person has committed or is committing a felony, the deputy shall have the authority to arrest the person without a warrant.
- (b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the deputy, except as provided in RCW 10.31.100 (e.g., when there is probable cause for certain offenses that involve domestic violence, driving under the influence, motor vehicle accidents).
- (c) A peace officer may arrest a person in compliance with an arrest warrant.

### **100.4 CONSTITUTIONAL REQUIREMENTS**

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

### **100.5 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When a deputy enters Idaho or Oregon in fresh pursuit of a person believed to have committed a felony (Idaho Code 19-701; ORS 133.430).

When a deputy makes an arrest in Idaho or Oregon, the arresting deputy shall cause the person to be taken without delay to a magistrate in the county where the arrest was made (Idaho Code 19-702; ORS 133.440).

## Law Enforcement Certification

### 101.1 PURPOSE AND SCOPE

All sworn deputies employed by the Walla Walla 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)).

## Oath of Office

### **102.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

### **102.2 POLICY**

It is the policy of the Walla Walla County Sheriff's Office that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

### **102.3 OATH OF OFFICE**

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions (RCW 43.101.021).

### **102.4 MAINTENANCE OF RECORDS**

The oath of office shall be filed in accordance with the established records retention schedule and any applicable state and/or local law.

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# Policy Manual

## 103.1 PURPOSE AND SCOPE

The manual of the Walla Walla 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.

## 103.2 POLICY

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

### 103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Walla Walla 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 Walla Walla County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

## 103.3 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 Special Orders, which shall modify those provisions of the manual to which they pertain. Special Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

## 103.4 DEFINITIONS

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

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

**CFR** - Code of Federal Regulations.

# Walla Walla County Sheriff's Office

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**County** - The County of Walla Walla.

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

**CJTC** - The Criminal Justice Training Commission.

**Department/WWSO** - The Walla Walla County Sheriff's Office.

**DOL** - The Department of Licensing.

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

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

**Manual** - The Walla Walla County Sheriff's Office Policy Manual.

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

**Member** - Any person employed or appointed by the Walla Walla County Sheriff's Office, including:

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

**Deputy** - Those employees, regardless of rank, who are sworn peace officer employees of the Walla Walla 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 that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., Corporal, 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.

## *Policy Manual*

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

**USC** - United States Code.

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

**WSP** - The Washington State Patrol.

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

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the 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 Special Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

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

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

### **103.7 REVISIONS TO POLICIES**

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

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

Each Chief Deputy 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 Chief Deputy, 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 office is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

## 200.2 DIVISIONS

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

- (a) Operations Division
- (b) Administrative Services Division

### 200.2.1 OPERATIONS DIVISION

The Operations Division is commanded by an assigned Chief Deputy, whose primary responsibility is to provide general management direction and control for the Operations Division. The Operations Division consists of the Patrol Bureau which includes four Patrol Squads and a Z Squad for Traffic and Special Projects, the Detective Bureau which includes a Major Crime Unit and a Special Investigations Section, and the Reserve Deputy program.

### 200.2.2 ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division is commanded by an assigned Chief Deputy, whose primary responsibility is to provide general management direction and control for the Administrative Services Division. The Administrative Services Division consists of Records Management, Civil, Personnel, Financial, and Support Services sections. .

## 200.3 COMMAND PROTOCOL

### 200.3.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Office. During planned absences the Sheriff will designate a Command Staff Officer or Supervisor 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) Chief Criminal Deputy
- (c) Chief Civil Deputy
- (d) Shift Supervisor

### *Organizational Structure and Responsibility*

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#### 200.3.2 UNITY OF COMMAND

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

#### 200.3.3 ORDERS

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

## Special Order

### **201.1 PURPOSE AND SCOPE**

Special 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. Special Orders will immediately modify or change and supersede sections of this manual to which they pertain.

#### **201.1.1 SPECIAL ORDER PROTOCOL**

Special Orders should be incorporated into the manual as required. Special Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

Special Orders shall be numbered consecutively starting with the year, followed sequentially by a number beginning with "001" For example, 2016-001 signifies the first Special Order for the year 2016.

### **201.2 RESPONSIBILITIES**

#### **201.2.1 COMMAND STAFF**

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

#### **201.2.2 SHERIFF**

The Sheriff shall issue all Special Orders.

### **201.3 ACCEPTANCE OF SPECIAL ORDERS**

All employees are required to read and obtain any necessary clarification of all Special Orders. All employees are required to acknowledge in writing the receipt and review of any new Special Order. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Chief Deputy.

# Emergency Management Plan

## 202.1 PURPOSE AND SCOPE

The County has prepared a Comprehensive Emergency Management Plan (CEMP) for use by all employees in the event of a major disaster, civil disturbance, 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 Comprehensive 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.

### 202.1.1 WALLA WALLA CODES

An Emergency Management Department has been established by the County of Walla Walla. This ordinance has been approved by the County (WAC 118-30-050).

## 202.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan (CEMP) may be activated by the Sheriff. The highest ranking official on-duty or a responder who is at the scene of a major emergency may contact the on-call Command Staff Officer and recommend the CEMP be activated. The Sheriff or their designee should then coordinate the activation with the Director of County Emergency Management or their designee.

Upon activation of the plan, the Sheriff or the authorized designee should coordinate with County Emergency Management Department personnel to assist with a mutual aid response in which local, state, and federal law enforcement and other agencies provide resources to this department.

### 202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Walla Walla 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.

## 202.3 LOCATION OF EMERGENCY MANAGEMENT PLAN

This manual for all employees is available in Administrative Services Division, the Shift Supervisor's office, the Detective Bureau, and in all Command Staff Officers' offices. All supervisors should familiarize themselves with the Emergency Management Plan and what roles police personnel will play when the plan is implemented. The Chief Deputy should ensure that all personnel receive periodic training on the Emergency Management Plan.

## *Emergency Management Plan*

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The Administrative Services Chief Deputy or the authorized designee shall ensure that all copies of the Emergency Management Plan manual are kept current and available to all personnel.

### **202.4 BUILDING EVACUATION PLAN**

In the event of a disaster or emergency which requires evacuation of the public safety services building, 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).

### **202.5 UPDATING OF MANUALS**

The County Director of Emergency Management or their authorized designee should review the Comprehensive Emergency Management Plan (CEMP) 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)).

### **202.6 TRAINING**

The Department should provide training in the County Comprehensive Emergency Management Plan (CEMP) for all supervisors and other appropriate personnel. Regardless of training, 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

## 203.1 PURPOSE AND SCOPE

It is the policy of this office to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the 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.

## 203.2 PHILOSOPHY

The 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. The Office will use a combination of in-house, in-service courses and other outside courses certified by the Washington Criminal Justice Training Commission (CJTC).

## 203.3 OBJECTIVES

The objectives of the Training Program are to:

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

## 203.4 TRAINING PLAN

A training plan for all employees will be developed and maintained by the Chief Deputy. It is the responsibility of the Chief Deputy 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 training required by the CJTC (WAC 139-05-300).
- (b) All sworn members will successfully complete an annual in-service training program on the office 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) introductory training course.
- (f) Members who will serve as school resource officers will receive training for school resource officers (Chapter 333 § 12, 2019 Laws).

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The plan will also address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training

### **203.5 TRAINING NEEDS ASSESSMENT**

The Command Staff will conduct an annual training-needs assessment of the Office. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

### **203.6 TRAINING DOCUMENTATION**

Detailed records shall be kept of all in-service training sponsored by or presented on behalf of the Walla Walla 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.

### **203.7 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:
  - (a) Court appearances.
  - (b) Sick leave.
  - (c) Physical limitations preventing the employee's participation.
  - (d) Emergency situations.
- (b) When an employee is unable to attend mandatory training, that employee shall:
  1. Notify his/her Chief Deputy 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 Chief Deputy.
  3. Make arrangements through his/her supervisor and the Chief Deputy to attend an alternate date.



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### **203.8 TRAINING COMMITTEE**

The Chief Deputy may establish a Training Committee, which will serve to assist with identifying training needs for the Office.

The Training Committee shall be comprised of at least three members. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Chief Deputy may remove or replace members of the committee at his/her discretion.

The Training Committee 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 Training Committee 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.

The Training Committee should convene on a regular basis as determined by the Chief Deputy to review the identified incidents. The committee should determine by consensus whether a training need exists and then submit written recommendations of its findings to the Chief Deputy. 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 Chief Deputy will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Office and available resources.

### **203.9 DAILY TRAINING BULLETINS**

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Walla Walla 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 by the Chief Deputy.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Chief Deputy. 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 log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Office.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise 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.

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## Policy Manual

### *Training Policy*

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

## Electronic Mail

### 204.1 PURPOSE AND SCOPE

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

### 204.2 EMAIL RIGHT OF PRIVACY

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

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

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

### 204.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that may be of interest to all users.

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

### 204.4 EMAIL RECORD MANAGEMENT

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

# Walla Walla County Sheriff's Office

## Policy Manual

### *Electronic Mail*

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

# Administrative Communications

## **205.1 PURPOSE AND SCOPE**

Administrative communications of this department are governed by the following policies.

## **205.2 PERSONNEL ORDERS**

Personnel 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.

## **205.3 CORRESPONDENCE**

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

## **205.4 SURVEYS**

All surveys made in the name of the Department shall be authorized by the Sheriff, Undersheriff, or a Chief Deputy.

## Staffing Levels

### 206.1 PURPOSE AND SCOPE

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

### 206.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of a preferred department minimum of four, and a contractual minimum of three, deputies on each patrol shift. Minimum staffing levels should also result in the scheduling of at least one patrol supervisor on duty for each shift. Shift Supervisors will ensure that at least one field supervisor is deployed during each patrol shift.

#### 206.2.1 SUPERVISION DEPLOYMENTS

On rare occasions and with the prior approval of the Chief Deputy, in order to accommodate training and other unforeseen circumstances, a deputy may be used as an IC field supervisor in place of a field sergeant or corporal.

### 206.3 SWITCHING SQUADS

- (a) Any two (2) Patrol Bureau employees may request to switch squad assignments through their chain of command.
- (b) The request must be along the following guidelines:
  - 1. It must be for a switch between employees of the same rank, ie: sergeant for sergeant.
  - 2. The request must outline the reason for the desired switch.
  - 3. It must specify the date of the switch so that no additional comp and/or overtime will be involved in the switch.
- (c) If the supervisor for whom the request was submitted agrees to the switch, they will confer with the opposite supervisor, if applicable, to determine if the switch is feasible.
  - 1. Both supervisors will take into consideration the balance of the squads and ancillary duties, or any other pertinent criteria.
  - 2. The switch shall not create a combination of members which places the Sheriff's Office function at a detriment
- (d) The Sheriff, or his designee, shall have final authority for any squad shift requests.

### 206.4 SCHEDULED HOURS

- (a) The work hours for Patrol Bureau will be in compliance with the collective bargaining agreement.

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### Staffing Levels

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1. When using the twelve (12) hour schedule, the patrol shift for deputies will usually begin at 0630 hrs for days and 1830 hrs for nights.
  2. The schedule for the supervisor will begin one-half hour earlier at 0600 and 1800 hrs, respectively.
  3. The Sheriff, or his designee, will have final authority for deciding the starting time for each shift
- (b) The work hours for the Detective Bureau will be in compliance with the collective bargaining agreement.
1. A written request will be filed with the Chief Criminal Deputy for the schedule preferred by the Detective Sergeant, Detectives and the Crime Analyst Technician.
  2. The Chief Criminal Deputy will keep the balance of the best interests for his/her personnel and the Sheriff's Office functioning needs when deciding to agree to the request or not.
  3. The Sheriff, or his designee, will have final authority for Detective Bureau work schedules.

#### **206.5 KELLY HOURS**

When the twelve (12) hour schedule is used for patrol, every two (2) week period would total eighty-four (84) hours of work time or four (4) hours more than the requisite eighty (80) hours for a two (2) week period. Accordingly, every eight (8) week rotation would have an extra sixteen (16) hours of work time. During each deployment period (DP) (8 weeks), each deputy, corporal and sergeant working patrol, shall request to take off a total of twenty-four (24) hours during the DP. These hours will be called "Kelly Hours" and they are to compensate for the potential additional work hours described previously.

##### **206.5.1 KELLY HOUR SCHEDULING**

- (a) Kelly Hours may be requested to be taken off in any combination during the entire DP.
- (b) Kelly Hour time off requests shall be in writing directed to the field sergeant or his designee.
- (c) Kelly Hours shall be submitted by the end of the first week of the previous DP for Kelly Hours to be taken off for the following DP. This is to ensure that the field sergeants have sufficient time to balance their squads for the following DP.
- (d) Absent hardships, field sergeants will grant the requested Kelly Hours in conjunction with balancing their squads and ensuring proper coverage for their shifts.
- (e) If two (2) or more employees request the same Kelly time off, then seniority and productivity may be considered by the field sergeant in granting Kelly time off requests.
- (f) All Patrol Bureau deputies, corporals and sergeants are mandated to take a total of twenty-four (24) Kelly Hours off each DP.

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## Policy Manual

### Staffing Levels

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- (g) Absent exigent circumstances, if an employee fails to take the required twenty-four (24) hours off, or any portion thereof, during a DP, it will be assumed, recorded and agreed upon that the employee donated these work hours to the Walla Walla Sheriff's Office with no expectation of pay, over-time, or reimbursement.

#### 206.5.2 KELLY PAYBACK DAYS

- (a) Upon taking the mandatory Kelly time off each DP, each Patrol Bureau employee will owe eight (8) hours of Kelly Time to be used in a Kelly Payback Day for the following DP.
- (b) This Kelly Payback Day may be used for training and/or a work day at the discretion of the Sheriff.
  - 1. The preference is to use these payback days for ongoing in-service training, however they may be used for work days during the Walla Walla Frontier Days Fair or for emergencies that may occur.
  - 2. Training days will be posted in advance to give employees proper planning time to ensure participation in their squad's training day.
- (c) Attendance at Kelly Payback Days is mandatory.
  - 1. A payback day that is a training day, as opposed to a work day, will have two (2) similar training days; one (1) for A & B Squads and one (1) for C & D Squads.
  - 2. If a member of a Squad knows that they will not be able to attend their Squad's training day, then all reasonable efforts shall be made by that employee to attend the alternate training day.
  - 3. If an employee fails to attend either one of the two (2) DP training days, then that employee shall cover this time by one of the following methods:
    - (a) A vacation request will be filed with his supervisor for eight (8) hours.
    - (b) A compensatory time request will be filed with his supervisor for eight (8) hours.
    - (c) The employee will work for an eight (8) hour period of time.
  - 4. The time to make up for missing the training day shall be settled within the same DP as the missed training day.
  - 5. Failure to attend two (2) or more Payback Training Days per calendar year due to unexcused absences will initiate a formal review into the causes of the absences and subject the employee to potential discipline.



## Concealed Pistol License

### 207.1 PURPOSE AND SCOPE

The Sheriff is given the statutory responsibility to issue, monitor, and revoke a license to carry a concealed pistol to residents within the community (RCW 9.41.070). This policy will provide a written process for the application, issuance, and revocation of such licenses.

### 207.2 QUALIFIED APPLICANTS

All applicants for a concealed pistol license shall qualify to receive such a license unless the applicant is ineligible for a license or to possess a pistol under any of the following conditions (RCW 9.41.070):

- (a) The applicant is ineligible or is prohibited to possess a firearm under the provisions of RCW 9.41.040, RCW 9.41.045 or federal law.
- (b) The applicant's concealed pistol license is in a revoked status.
- (c) The applicant is under twenty-one years of age.
- (d) The applicant is subject to a court order or injunction regarding firearms.
- (e) The applicant is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense.
- (f) The applicant has an outstanding warrant for his/her arrest from any court of competent jurisdiction for a felony or misdemeanor.
- (g) The applicant has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his/her person.
- (h) The applicant has been convicted of a felony or is otherwise restricted from possessing a firearm unless the person has been granted relief from disabilities by the United States Attorney General under 18 USC § 925(c), or RCW 9.41.040(3) or (4) applies.

Non-immigrant aliens are not eligible for concealed pistol licenses. However, they may be eligible for an alien firearm license for the purposes of hunting and sport shooting, subject to certain eligibility requirements. Any non-immigrant alien who wishes to obtain an alien firearm license should be directed to apply to the sheriff in the county in which he/she resides (RCW 9.41.173).

### 207.3 APPLICATION PROCESS AND RENEWAL

The Sheriff has 30 days after the filing of an application of any person to issue a license to carry a concealed pistol. If the applicant does not have a valid permanent Washington driver license or identification card or has not been a resident of the state for the previous consecutive 90 days, the Sheriff has 60 days to issue a license. The Sheriff must accept completed applications for concealed pistol licenses during regular business hours (RCW 9.41.070).

### *Concealed Pistol License*

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The Sheriff is required to check with the National Instant Criminal Background Check System, the Washington State Patrol (WSP) electronic database, the Department of Social and Health Services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or RCW 9.41.045, or is prohibited under federal law to possess a firearm and therefore ineligible for a concealed pistol license. This check applies for a new concealed pistol license or to renew a concealed pistol license.

A background check for an original license shall be conducted through the WSP Criminal Identification Section and shall include a national check from the Federal Bureau of Investigation through the submission of fingerprints. The applicant may request and receive a copy of the results of the background check from the Sheriff (RCW 9.41.070).

The license application shall bear the full name, residential address, telephone number and/or email address at the option of the applicant, date and place of birth, race, gender, physical description, not more than two complete sets of fingerprints, and signature of the licensee, and the licensee's driver license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the Department of Social and Health Services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

If the applicant is not a United States citizen, the applicant must provide his/her country of citizenship, United States-issued alien number or admission number, and the basis for any exemptions from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall meet the additional requirements of RCW 9.41.173 and provide proof of compliance (RCW 9.41.070).

The application for an original license shall include a complete set of fingerprints to be forwarded to the WSP (RCW 9.41.070(4)).

#### 207.3.1 REQUIRED WARNINGS

The license and application shall contain a warning substantially as follows:

"CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution."

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law (RCW 9.41.070). The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen.

## *Concealed Pistol License*

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### **207.3.2 DOCUMENTATION AND FEES**

The Sheriff shall deliver the original license to the licensee, within seven days send the duplicate to the Director of Licensing, and shall preserve the triplicate or other form prescribed by the Department of Licensing for six years after the license has expired, been voided or revoked, or as otherwise provided in the office's established records retention schedule (RCW 9.41.070(4)).

The nonrefundable fee for the original five-year license must be paid upon application. Additional charges imposed by the Federal Bureau of Investigation are payable by the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

A nonrefundable fee for the renewal of such license, or the replacement of lost or damaged licenses is required of the licensee. No other branch or unit of government may impose any additional charges on the licensee for the renewal of the license.

Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the Sheriff.

### **207.4 LICENSE RENEWAL**

A licensee may renew a license if the licensee applies for renewal within 90 days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty in addition to the renewal fee (RCW 9.41.070(9)).

An active-duty member of the armed forces who is unable to renew his/her license within the prescribed time period because of assignment, reassignment, or deployment for out-of-state military service may renew his/her license by the office-established mail renewal procedures or within 90 days after returning to Washington state. Verification for this concealed pistol license renewal exception is subject to the requirements of RCW 9.41.070.

### **207.5 TEMPORARY EMERGENCY LICENSE**

The Sheriff may issue a temporary emergency license for good cause to an applicant who resides within his/her jurisdiction pending review. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. The Sheriff shall assure temporary emergency licenses are easily distinguishable from regular licenses (RCW 9.41.070).

### **207.6 SUSPENSION OF LICENSES**

The Sheriff shall suspend any license issued pursuant to this policy immediately upon notice from the Department of Licensing that the person has been detained under RCW 71.05.150 or RCW 71.05.153 on the grounds that the person presents a likelihood of serious harm due to a mental disorder or substance use disorder (Chapter 247 § 2, 2019 Laws).

## *Concealed Pistol License*

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The license shall remain suspended for a period of six months from the date the person was released from the 72-hour detention or upon notice from the Department of Licensing of a restoration order (Chapter 247 § 1, 2019 Laws; RCW 9.41.047(3)(f)).

### **207.7 REVOCATION OF LICENSES**

The Sheriff shall revoke any license issued pursuant to this policy immediately upon (RCW 9.41.075(1)):

- (a) Discovery that the person was ineligible under RCW 9.41.070 for a concealed pistol license when applying for the license or license renewal.
- (b) Conviction of the licensee of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under RCW 9.41.040 to possess a firearm.
- (c) Conviction of the licensee for a third violation of RCW Chapter 9.41 within five calendar years.
- (d) An order that the licensee forfeit a firearm under RCW 9.41.098(1)(d).
- (e) Upon notification from the Department of Licensing that the licensee has lost his/her right to possess a firearm as identified in RCW 9.41.047.

#### **207.7.1 INELIGIBILITY**

Upon discovering a person issued a concealed pistol license was ineligible for the license, the Sheriff shall contact the Department of Licensing to determine whether the person purchased a pistol while in possession of the license. If the person did purchase a pistol while in possession of the concealed pistol license, and if the person may not lawfully possess a pistol without a concealed pistol license, the Sheriff shall require the person to present satisfactory evidence of having lawfully transferred ownership of the pistol. The Sheriff shall require the person to produce the evidence within fifteen days of the revocation of the license (RCW 9.41.075(2)).

#### **207.7.2 FIREARM FORFEITURE**

When a licensee is ordered to forfeit a firearm under RCW 9.41.098(1)(d), the Sheriff shall (RCW 9.41.075(3)):

- (a) On the first forfeiture, revoke the license for one year.
- (b) On the second forfeiture, revoke the license for two years.
- (c) On the third or subsequent forfeiture, revoke the license for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098(1)(d) may not reapply for a new license until the end of the revocation period.

The Sheriff shall notify the Department of Licensing in writing of the revocation of a license.

## *Concealed Pistol License*

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### **207.8 RECIPROCITY**

The Sheriff will recognize the validity of a concealed pistol license issued from another state if the laws of that state recognize and give effect to a concealed pistol license issued under the laws of the State of Washington (RCW 9.41.073). A nonresident so licensed is authorized to carry a concealed pistol in this state if:

- (a) The licensing state does not issue concealed pistol licenses to persons under twenty-one years of age, and
- (b) The licensing state requires mandatory fingerprint-based background checks of criminal and mental health history for all persons who apply for a concealed pistol license, and
- (c) The Sheriff will honor such a license only while the license holder is not a resident of this state. A license holder from another state must carry the handgun in compliance with the laws of this state.

### **207.9 RESIDENCY**

The Sheriff may issue a license to an applicant if the applicant resides within this County. The Sheriff may issue a license to nonresident of the state in accordance with these procedures and state law.

### **207.10 CONFIDENTIAL RECORDS**

Mental health information received by the Sheriff pursuant to RCW 9.41.047, RCW 9.41.070, RCW 9.41.090 or RCW 9.41.173 is exempt from disclosure except as provided in RCW 42.56.240 (RCW 9.41.097). Disclosure of information otherwise obtained in the licensing process shall be limited as defined by RCW 42.56.240.

## Retiree Concealed Firearms

### 208.1 PURPOSE AND SCOPE

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

### 208.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to provide identification cards to qualified former or retired deputies as provided in this policy. This agency, at the discretion of the Sheriff, may also issue LEOSA cards to qualified retired members of other law enforcement agencies.

### 208.3 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.

#### 208.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card may contain a photograph of the former deputy and should identify him/her as having been employed as a deputy of this office or other law enforcement agency.

If the Walla Walla 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.

#### 208.3.2 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:

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### *Retiree Concealed Firearms*

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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 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.

#### **208.4 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 honorably retired from this department.
- (b) Did not retire due to alleged misconduct, a pending internal administrative investigation, or in lieu of termination.
- (c) Did not retire because of a mental or stress-related disability.
- (d) 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.

#### **208.5 FORMER DEPUTY RESPONSIBILITIES**

A former deputy with a card issued under this policy shall immediately notify the on-duty Shift Supervisor 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.

##### **208.5.1 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

## *Retiree Concealed Firearms*

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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.

### **208.6 FIREARM QUALIFICATIONS**

The Rangemaster may provide former deputies from this department and approved outside retired law enforcement officers 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 Rangemaster 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 office 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 Office 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.

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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

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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 Office. 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.

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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 office-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 (VNR) 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 Office-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

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the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of applying a vascular neck restraint:

1. Females who are known to be pregnant
  2. Elderly individuals
  3. Obvious juveniles
  4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries
- (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) If an individual that has been subjected to a VNR lost consciousness, the deputy shall request that jail, medical, or other appropriate staff monitor the person for a period of two (2) hours. If the deputy has reason to believe that this request will go unfulfilled, it is the deputy's responsibility to ensure that the person is monitored for the two (2) hour period.
- (g) Any deputy attempting or applying the vascular neck restraint shall promptly notify a supervisor of the use or attempted use of such restraint.
- (h) The use or attempted use of the vascular neck restraint shall be thoroughly documented by the deputy in any related reports.

### **300.3.5 USE OF FORCE TO SEIZE EVIDENCE**

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Walla Walla County Sheriff's Office for this specific purpose.

### **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

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or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

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

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

#### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

When a suspect uses a vehicle as a weapon, if time and circumstances allow, deputies should consider if moving out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants is an option. Deputies should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably perceives that the vehicle is being used as a weapon against the officer or others, or if deadly force by a means other than the vehicle is directed at the deputy or others. Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

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

Any use of force by a member of this office shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident, consistent with any applicable collective bargaining agreements.

Officer Involved Shootings and critical incident uses of force resulting in serious injury or death should be investigated by the regional joint Special Investigations Unit (SIU) who will investigate and document the use of deadly force by WWSO deputies. Use of force other than Officer Involved Shootings and critical incident uses of force resulting in serious injury or death shall be documented by all involved deputies.

The deputy should articulate the factors perceived, techniques attempted or used, 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 Agency may require the completion of additional report forms, as specified in agency policy, procedure or law.

#### **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:

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- (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 (TM) 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 shot at with a firearm.
  
- (i) The use of a kinetic energy projectile.
- (j) An individual was struck or kicked.
- (k) An individual alleges any of the above has occurred.

### **300.5.2 NOTIFICATION TO INDIAN AFFAIRS**

When the use of force by a deputy results in the death of a person who is an enrolled member of a federally recognized Indian tribe, notification shall be made to the Governor's Office of Indian Affairs within a reasonable period of time, but not more than 24 hours after the office has good reason to believe the person was an enrolled member. Notice shall include sufficient information for the Governor's Office of Indian Affairs to attempt to identify the deceased person and tribal affiliation (Chapter 4 § 6, Laws of 2019).

### **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 the on-scene supervisor is 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

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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 RESPONSIBILITIES**

Supervisors should make every reasonable attempt to respond to the scene when force is used by a member of this department. When a supervisor is able to respond to an incident in which there has been a reported application of force, other than an Officer Involved Shooting, 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.
  - 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.



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- (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.

In the event of an Officer Involved Shooting, public safety statement and SIU protocols should be followed.

### **300.7.1 SHIFT SUPERVISOR RESPONSIBILITY**

The Shift Supervisor 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. The supervisor shall ensure that the review is forwarded to the Chief Criminal Deputy.

### **300.8 TRAINING**

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

### **300.9 USE OF FORCE ANALYSIS**

At least annually, the Chief Criminal Deputy should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

## Use of Force Review Boards

### 301.1 PURPOSE AND SCOPE

This policy establishes a process for the Walla Walla 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.

### 301.2 POLICY

The Walla Walla 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.

### 301.3 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 usually 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.

### 301.4 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, the dispatch of a non-domestic animal, or recreational use.

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

The Chief Criminal Deputy will convene the Use of Force Review Board as necessary. The involved employee's Chief Deputy or squad supervisor will ensure that all relevant reports, documents and materials are available for consideration and review by the board.

#### 301.4.1 COMPOSITION OF THE BOARD

The Chief Civil Deputy should select at least four (4), preferably five (5), Use of Force Review Board members from the following, as appropriate:

- Representative of the Detective Bureau
- Undersheriff
- Chief Criminal Deputy

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- Patrol supervisor from a squad other than the involved employee(s)
- A peer deputy
- A sworn peace officer from an outside law enforcement agency
- Agency instructor for the type of weapon, device or technique used

The senior ranking command officer will serve as chairperson.

### 301.4.2 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 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 and/or training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Sheriff.

The Sheriff shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Sheriff's final findings will be forwarded to

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the involved employee's Chief Deputy 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.

## Handcuffing and Restraints

### 302.1 PURPOSE AND SCOPE

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

### 302.2 POLICY

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

### 302.3 USE OF RESTRAINTS

Only members who have successfully completed Walla Walla 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.

#### 302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person 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 ensure 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.

#### 302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner available and reasonable under the circumstances, but in no case shall leg irons or waist chains be used. Handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure herself or others, or damage property (RCW 70.48.500).

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When the person is in labor no restraints of any kind shall be used. This does not prohibit a treating physician licensed under Title 18 RCW from requesting the use of hospital restraints for the medical safety of the person (RCW 70.48.500).

#### **302.3.3 RESTRAINT OF JUVENILES**

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

Members who are school resource officers should only use restraints on a student participating in school-sponsored instruction or activity when there is an imminent likelihood of serious harm and pursuant to the school policy for students and staff (RCW 28A.600.485).

#### **302.3.4 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 person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

#### **302.4 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 Office. 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 person 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.

#### **302.5 APPLICATION OF SPIT HOODS**

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

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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 a restrained person due to the potential for impairing or distorting that person's vision. Deputies should avoid commingling those wearing spit hoods with others and 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 capicum (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.

### **302.6 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 office-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

### **302.7 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 office 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 person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, 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 vehicle).

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### 302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

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

### 302.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the deputy shall document the detention and the need for handcuffs or other restraints in the incident CAD notes.

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

### 302.8.1 SCHOOL RESOURCE OFFICERS

Members working as school resource officers shall prepare a report pursuant to RCW 28A.600.485 and provide a copy to the school administrator whenever a student is restrained in a room or other enclosure or restrained by handcuffs or other restraint devices during school-sponsored instructions or activities.



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### **302.9 TRAINING**

Subject to available resources, the Chief Deputy should ensure that deputies receive periodic training on the proper use of handcuffs and other restraints, including:

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

## Control Devices and Techniques

### 303.1 PURPOSE AND SCOPE

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

### 303.2 POLICY

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

### 303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

### 303.4 RESPONSIBILITIES

#### 303.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

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

#### 303.4.2 QUARTERMASTER RESPONSIBILITIES

The Quartermaster 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 Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

#### 303.4.3 USER RESPONSIBILITIES

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

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

#### **303.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin 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.

#### **303.6 CHEMICAL MUNITIONS GUIDELINES**

Chemical munitions may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Sheriff, Undersheriff, Chief Criminal Deputy, Shift Supervisor, Incident Commander or SWAT Team Commander may authorize the delivery and use of chemical munitions, 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 chemical munitions to control any fires and to assist in providing medical aid or gas evacuation if needed.

#### **303.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray 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. OC spray should generally not be used against individuals or groups who merely fail to disperse in a peaceful manner or do not reasonably appear to present a risk to the safety of officers or the public.

##### **303.7.1 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.

##### **303.7.2 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.

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### **303.8 POST-APPLICATION NOTICE**

Whenever chemical munitions 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.

### **303.9 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.

#### **303.9.1 DEPLOYMENT AND USE**

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

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

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

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

#### **303.9.2 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.

## *Control Devices and Techniques*

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- (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.

### **303.9.3 SAFETY PROCEDURES**

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

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

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When 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.

To further increase the safety of this tool, deputies who maintain possession of department-issued shotguns for the purpose of deploying kinetic energy projectile shall not carry any lethal shotgun ammunition on their person or in their vehicle. They will not be issued any other type of shotgun platform for departmental use.

### **303.10 TRAINING FOR CONTROL DEVICES**

The Chief Deputy 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.

## *Control Devices and Techniques*

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- (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.

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

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

## Conducted Energy Device

### 304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER (TM) devices.

### 304.2 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.

### 304.3 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. Uniformed deputies who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed deputies may secure the TASER device in the driver's compartment of their vehicle.

Members carrying the TASER device should perform any appropriate tests 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.

- (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.

### 304.4 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.

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- (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 using the ARC switch 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.

### **304.5 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.

#### **304.5.1 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.

#### **304.5.2 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.



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- (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.

### 304.5.3 TARGETING CONSIDERATIONS

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

### 304.5.4 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.

### 304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies shall notify a supervisor of all TASER device discharges. The expended cartridge should be submitted into evidence. The cartridge serial number should be noted and documented on the

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evidence paperwork. The probes should be appropriately packaged as, "Biohazard," and disposed of properly.

### **304.5.6 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.

### **304.5.7 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.

## **304.6 DOCUMENTATION**

Deputies shall document all TASER device discharges in the related arrest/crime report and Use of Force report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

### **304.6.1 TASER DEVICE - USE OF FORCE REPORTING**

Items that shall be included in the Use of Force 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) 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.
- (d) The range at which the TASER device was used.
- (e) The type of mode used (probe or drive-stun).
- (f) Location of any probe impact.
- (g) Location of contact in drive-stun mode.
- (h) Description of where missed probes went.
- (i) Whether medical care was provided to the subject.
- (j) Whether the subject sustained any injuries.
- (k) Whether any deputies sustained any injuries.

The Chief Deputy should periodically analyze the Use of Force reports to identify trends, including deterrence and effectiveness. The Chief Deputy should also conduct audits of data downloads and

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reconcile Use of Force reports with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

### **304.6.2 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

### **304.7 MEDICAL TREATMENT**

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

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

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

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

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

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### **304.8 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 or Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

### **304.9 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 Chief Deputy. 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 Chief Deputy 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 Chief Deputy 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.

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

## Deputy-Involved Shootings and Deaths

### 305.1 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 deputy-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.

### 305.2 POLICY

The policy of the Walla Walla County Sheriff's Office is to ensure that deputy-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

### 305.3 TYPES OF INVESTIGATIONS

Deputy-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 deputy's action.
- An administrative investigation as to policy compliance by involved deputies.
- A civil investigation to determine potential liability.

### 305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies comprising the regional joint Special Investigations Unit (SIU) may be assigned to work on the criminal investigation of deputy-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer, subject to the provisions of this policy and any provisions of any collective bargaining agreement.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The regional joint Special Investigations Unit (SIU) protocols outline the jurisdictional and investigative responsibilities for investigating officer-involved shootings and deaths.

#### 305.4.1 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 Walla Walla County Sheriff's Office would control the investigation if the suspect's crime occurred in Walla Walla County or contract municipality.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The

## *Deputy-Involved Shootings and Deaths*

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investigation may be conducted by the agency in control of the criminal investigation of the involved deputy, at the discretion of the Sheriff and with concurrence from the other agency.

### **305.4.2 CRIMINAL INVESTIGATION OF DEPUTY ACTIONS**

The control of the criminal investigation into the involved deputy's conduct during the incident will be determined by the employing agency's protocol. When a deputy from this Office is involved, the criminal investigation will be handled according to the regional joint Special Investigations Unit (SIU) protocols. Otherwise, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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

### **305.4.3 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.

## **305.5 INVESTIGATION PROCESS**

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

### **305.5.1 UNINVOLVED DEPUTIES RESPONSIBILITIES**

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved WWSO 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.

### **305.5.2 SUPERVISOR RESPONSIBILITIES**

Upon learning of an officer-involved shooting or death, the patrol supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Sheriff, Undersheriff or a Chief Deputy.

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

- (a) The supervisor will compel a brief overview of the situation from any uninvolved officers utilizing the WWSO Critical Incident Public Safety Statement form.

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### *Deputy-Involved Shootings and Deaths*

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- (b) If necessary, the supervisor may administratively order any WWSO 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, direction(s) of any shots fired, perimeter of the incident scene, identity and location of known or potential witnesses, information needed to ensure the public's safety, 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.
- (c) Provide all available information to the Shift Supervisor and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional WWSO members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, coordinate with Command Staff and ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
  - 1. Each involved WWSO deputy should be given an administrative order not to discuss the incident with other involved officers or WWSO members pending further direction from a supervisor.
  - 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.

All outside inquiries about the incident shall be directed to the [watchCommander] who shall obtain inquiry and contact information and forward same to the department Public Information Officer.

#### 305.5.3 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Sheriff
- Undersheriff (PIO & Logistics)
- Chief Criminal Deputy
- Chief Civil Deputy
- Psychological/ CISM Peer Support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)

#### 305.5.4 INVOLVED DEPUTIES

The following shall be considered for the involved deputy:



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- (a) Any request for legal or union representation will be accommodated. The shift supervisor shall be responsible for contacting the Association President or Vice President as soon as possible.
  - 1. Involved WWSO deputies shall not be permitted to and shall not meet collectively prior to providing a formal interview or report.
  - 2. Requests from involved non-WWSO 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 Agency to each involved WWSO deputy. A licensed psychotherapist may also be provided to any other affected WWSO 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 meet collectively 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). The Employer will pay the expense of any such examination, but it will be considered privileged with the Employee being regarded as the patient.
- (e) The Agency 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 deputy's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved WWSO deputy may be given reasonable paid administrative leave following an deputy-involved shooting or death. It shall be the responsibility of the Chief Deputy and Shift Supervisor to make schedule adjustments to accommodate such leave.

### **305.6 CRIMINAL INVESTIGATION**

The County Prosecutor's Office is responsible for the criminal investigation review of the circumstances of any officer-involved shooting or death.

Once public safety issues have been addressed, SIU 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) WWSO supervisors and Command Staff personnel should not participate directly in any voluntary interview of WWSO deputies. This does not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

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- (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 to the statement's release in writing.

### 305.6.1 REPORTS BY INVOLVED WWSO DEPUTIES

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

While the involved WWSO 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 WWSO 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.

### 305.6.2 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.

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### *Deputy-Involved Shootings and Deaths*

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2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
  3. Deputies may use other means to attempt to later identify unwilling witnesses such as the taking of photographs and the documentation of related vehicle license plates.
- (b) Witnesses who are willing to provide a formal interview should be identified and then asked to remain at scene until such time a meeting may be set at a suitable location with criminal investigators. 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 and identifying 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.

#### **305.6.3 INVESTIGATIVE PERSONNEL**

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Detective Bureau supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. WWSO investigators will be assigned to work with the County Prosecutor's Office.

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

#### **305.7 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 WWSO deputies to determine conformance with department policy. This investigation will be conducted under the supervision of the Command Staff 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.

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### *Deputy-Involved Shootings and Deaths*

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- (b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.
  - 1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of his or her prior statement before proceeding with any subsequent 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 in a case in chief. Deputies may be reminded that their statement can be used for criminal impeachment purposes. Deputies should be reminded that their failure to provide full and truthful statements after a lawful order to do so may lead to discipline, up to and including termination from employment.
  - 5. The Command Staff 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.

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### **305.8 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.

### **305.9 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 the assigned investigators' supervisor.

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

### **305.10 DEBRIEFING**

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

#### **305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING**

A critical incident/stress debriefing should occur as soon as practicable. The Undersheriff or Chief Civil Deputy 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 Command Staff personnel.

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#### 305.10.2 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.

#### **305.11 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 Chief Criminal Deputy and Public Information Officer in the event of inquiries from the media.

No involved WWSO deputy shall make any comment to the media unless he/she is authorized by the Sheriff, Undersheriff, or a Chief Deputy.

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

## Firearms

### 306.1 PURPOSE AND SCOPE

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

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

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

### 306.2 POLICY

The Walla Walla 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 and in good working order and that relevant training is provided as resources allow.

### 306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected and approved by a Rangemaster. 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 Undersheriff or Sheriff. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

#### 306.3.1 HANDGUNS

The authorized department-issued handgun is the S&W M&P .45 ACP.

A personally-owned good quality Model 1911 .45 caliber handgun inspected and approved by a Rangemaster is also approved for on-duty use.

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#### 306.3.2 SHOTGUNS

Shotguns, outside of less lethal platforms, are not issued by the Walla Walla County Sheriff's Office. When not deployed, kinetic energy projectile platforms, such as a less-lethal shotgun, shall be secured consistent with department training in a locking weapons rack within a department vehicle.

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### 306.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the PWS MK112 .223 caliber rifle. The department may also issue a PWS MK107 or MK111 .223 caliber rifle. With prior Sheriff approval, AR-15 style rifles may also be issued for on-duty use.

WWSO SWAT deputies may also be issued a .308 caliber bolt-action or semi-auto Designated Marksman (DM) rifle.

Members may deploy the patrol or DM 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 a 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 any 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 requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack within a department vehicle.

### 306.3.4 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 shall be inspected and approved by a Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary. The Rangemaster's approval shall be documented in writing and placed in the deputy's personnel file.
- (c) 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.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster. Once the firearm is approved, the



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Rangemaster will ensure the documentation is forwarded to the Chief Civil Deputy for inclusion in the deputy's personnel file.

### 306.3.5 AUTHORIZED SECONDARY "BACK-UP" HANDGUN

Deputies are strongly encouraged to carry an authorized secondary "back-up" handgun when on-duty. 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 the member shall obtain written approval by the Sheriff or authorized designee.
- (b) Only one secondary "back-up" handgun may be carried at a time.
- (c) Secondary "back-up" handguns shall be of .380, .38, 9mm, .40 or .45 calibers only.
- (d) The purchase of the handgun shall be the responsibility of the member unless the handgun is provided by the Department.
- (e) The purchase and issuance of department authorized ammunition shall be the responsibility of the department. Only department issued ammunition shall be used in secondary "back-up" handguns.
- (f) 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.
- (g) The handgun shall be inspected and approved by a Rangemaster prior to being carried, and thereafter shall be subject to inspection whenever it is deemed necessary.
- (h) Prior to carrying the secondary handgun, members shall qualify under range supervision using a department authorized "back-up" handgun course of fire approved by the Chief Criminal Deputy and thereafter shall qualify in accordance with the department qualification schedule for back-up handguns. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (i) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to a Rangemaster. Once the firearm is approved, the Rangemaster will ensure the documentation is forwarded to the Chief Civil Deputy for inclusion in the deputy's personnel file.

### 306.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Sheriff; however this privilege may be rescinded should circumstances dictate (e.g., administrative leave).

Members who choose to carry a firearm while off-duty, based on their WWSO Commission and authority as peace officers, will be required to meet the following guidelines:

- (a) Either a department issued or personally owned firearm maybe used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
  - 1. The purchase of a personally owned firearm shall be the responsibility of the member.
- (b) Off-duty handguns shall be of .380, .38, 9mm, .40 or .45 calibers only.

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- (c) The purchase and issuance of department authorized ammunition shall be the responsibility of the department.
- (d) Members may purchase their own department authorized ammunition for off-duty firearms at their own expense.
- (e) Members shall only carry department-authorized ammunition.
- (f) 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.
- (g) It will be the responsibility of the member to submit the firearm to a Rangemaster for inspection and approval prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by a Rangemaster.
- (h) Prior to carrying any off-duty firearm, the member shall demonstrate to a Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner consistent with this policy.
- (i) The member will successfully qualify under range supervision using a department authorized off-duty course of fire approved by the Chief Criminal Deputy with the firearm prior to it being carried.
- (j) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to a Rangemaster. Once the firearm is approved, the Rangemaster will ensure the documentation is forwarded to the Chief Civil Deputy for inclusion in the deputy's personnel file.
- (k) If a member 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.
- (l) When armed, deputies shall carry their badges and Walla Walla County Sheriff's Office WWSO identification cards under circumstances requiring possession of such identification.

#### 306.3.7 AMMUNITION

Members shall carry only department-authorized ammunition in all firearms carried pursuant to their WWSO commission and authority as peace officers. Members shall be issued fresh duty ammunition annually for all department-issued firearms during the member's firearms qualification.

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.

Replacements for unserviceable or depleted ammunition issued by the department shall be dispensed by the CAT Quartermaster when needed, in accordance with established policy.

#### 306.4 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.

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The department has selected and issues SEAL1 brand cleaner, lubricant, protectant (CLP) to be used for all department issued firearms. This is the only authorized CLP product that shall be used on WWSO firearms. Department issued SEAL1 CLP may be used on personally owned firearms carried in accordance with department policy as secondary "back-up" or off-duty handguns.

The department will maintain a firearm maintenance area stocked with SEAL1 CLP and related cleaning and maintenance items.

It is the responsibility of each member to utilize the department's firearm maintenance area and /or ensure they have sufficient department issued supplies to maintain clean and serviceable firearms.

#### 306.4.1 REPAIRS OR MODIFICATIONS

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

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 Rangemaster.

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

#### 306.4.2 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.

#### 306.4.3 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 Rangemaster. 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.

#### 306.4.4 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 Rangemaster. 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.

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### **306.5 SAFE HANDLING, INSPECTION AND STORAGE**

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere within the Sheriff's Office, except at the designated firearms maintenance area, preferably where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, preferably using clearing barrels.
- (e) 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 secured section of the county jail when securing or processing an arrestee, but shall place all firearms in a secured location.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) 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, an armorer, or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

#### **306.5.1 INSPECTION AND STORAGE**

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

#### **306.5.2 STORAGE AT HOME**

Members shall ensure that all firearms and ammunition are locked and 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 administrative discipline and personal civil liability.

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### 306.5.3 ALCOHOL AND DRUGS

Firearms should 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.

### 306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete annual department training with their duty firearms.

In addition to training, all members will qualify twice per year with their duty firearms.

Members will qualify with off-duty and secondary "back-up" firearms at least once every other year. Qualification ammunition will be provided by the department.

Training and qualifications must be on an approved range course.

#### 306.6.1 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.
- (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 up to and including termination from employment.

#### 306.6.2 SHOOTING MEDALS

The WWSO encourages and recognizes firearms proficiency. Accordingly, the WWSO issues shooting medals to those deputies who earn them based upon qualification scoring as follows:

##### Pistol Scoring:

279 - 300 points, 93%, Expert Medal

261 - 278 points, 87%, Sharpshooter Medal

240 - 260 points, 80%, Marksman Medal

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210 - 239 points, 70%, Qualified

0 - 209 points, 69% and below, Fail to Qualify

### Patrol Rifle Scoring:

279 - 300 points, 93%, Expert

210 - 278 points, 70%, Qualified

0 - 209 points, 69% and below, Fail to Qualify

Distinguished Expert Shooting Medal is earned via Expert Pistol and Expert Patrol Rifle qualification scores during the same one-day qualification course of fire.

Expert, Sharpshooter, and Marksman Shooting Medals are earned via pistol qualification scores.

Scoring and medals are valid and may be worn on the uniform centered above the right shirt pocket for one calendar year from the date of earned qualification.

### **306.7 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 the on-duty 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 Shootings and Deaths Policy.

If a firearm was discharged as a use of force, the involved member shall adhere to the 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 Chief Deputy 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 the Sheriff or designee.

#### **306.7.1 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, WDFW or animal control officer). Nothing in this policy shall prohibit any member from shooting

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a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

### **306.7.2 DISPATCHING INJURED ANIMALS**

A deputy may euthanize an animal with an authorized firearm that is so badly injured that human compassion requires its dispatch from further suffering and where other dispositions are impractical. Such dispatches shall be reported as soon as practicable to the on-duty supervisor and shall be documented in CAD notes with such specificity sufficient for the deputy to recall the incident if need be in the future. Supervisors shall document such incidents in their Daily Field Activities report.

### **306.7.3 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.

## **306.8 RANGEMASTER DUTIES**

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Chief Deputy after each range date. Failure of any deputy to sign in and out with the Rangemaster 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 Rangemaster has the responsibility of making or coordinating periodic inspections, at least once every other year, of all duty weapons carried by deputies of this department to verify proper operation. Only authorized Rangemasters or Armorers may conduct inspections. The Rangemaster 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 Rangemaster.

The Rangemaster has 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 Rangemaster shall complete and submit to the Chief Deputy 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 Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Chief Deputy.

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### **306.9 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 Walla Walla County Sheriff's Office badge and 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 photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Walla Walla 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 Walla Walla 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. Firearms must remain secured and concealed upon the deputy's person.
- (i) Deputies should try to resolve any problems associated with flying armed 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.



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### **306.10 CARRYING FIREARMS OUT OF STATE**

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

- (a) The deputy shall carry his/her Walla Walla 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. It is the deputy's responsibility to know and comply with all lawful rules and regulations of other jurisdictions.

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

## Vehicle Pursuits

### 307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved deputies, the public and fleeing suspects (RCW 43.101.226(3)).

#### 307.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

**Pursuit Intervention Technique (PIT)** - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

**Ramming** - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

**Roadblocks** - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

**Terminate** - To discontinue a pursuit or stop chasing fleeing vehicles.

**Tire deflation device** - A device designed to puncture the tires of the pursued vehicle.

**Trail** - Following 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 vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

**Vehicle pursuit** - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a 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 emergency signal to stop.

### 307.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

### 307.3 DEPUTY RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized sheriff's department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law.

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Deputies shall drive with due regard for the safety of all persons and property. However, deputies may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (RCW 46.61.035):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing parking, direction of movement or turning in specified directions.

### 307.3.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- (a) The 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) The 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 (e.g., school zones) and the speed of the pursuit relative to these factors.
- (d) The pursuing deputies' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and the dispatcher/supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.
- (e) Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked sheriff's department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

## *Vehicle Pursuits*

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- (k) The availability of other resources, such as air support assistance.
- (l) Whether the pursuing vehicle is carrying passengers other than on-duty sheriff's deputies. Pursuits should not be undertaken with an arrestee(s) in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport.

### **307.3.2 WHEN TO TERMINATE A PURSUIT**

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

When a supervisor directs the pursuit to be terminated, deputies will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the deputies or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

### **307.4 PURSUIT VEHICLES**

When involved in a pursuit, unmarked sheriff's department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

## *Vehicle Pursuits*

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Vehicle pursuits should be limited to three sheriff's department emergency vehicles (two pursuit vehicles and the supervisor vehicle). However, the number of vehicles involved will vary with the circumstances.

A deputy or supervisor may request that additional vehicles 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 number of suspects. All other deputies shall 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 pursuit termination point at legal speeds, following the appropriate rules of the road.

### 307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Deputies operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Deputies in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws.

### 307.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing deputy will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing deputy should notify the dispatcher, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- (a) The location, direction of travel and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or a secondary pursuing deputy, the deputy in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing deputy should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to a deputy in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing deputy to concentrate foremost on safe pursuit tactics.

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### **307.4.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES**

The second deputy in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing deputy is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing deputy once the suspect has been stopped.

### **307.5 PURSUIT DRIVING**

The decision to use specific driving tactics requires the same assessment of the factors the deputy considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for deputies who are 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 unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available deputies 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 deputies should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, deputies should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
  - 1. Request assistance from available air support.
  - 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
  - 3. Request other deputies to observe exits available to the suspect.
- (d) Notify the Washington State Patrol or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Deputies involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing deputy and with a clear understanding of the maneuver process between the involved deputies.

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#### 307.5.1 PURSUIT TRAILING

In the event that initial pursuing deputies relinquish control of the pursuit to another agency, the initial deputies may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

#### 307.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle and provided air support may broadcast and receive radio transmissions on the radio frequency used for the pursuit, they may assume communication control over the pursuit upon request by the pursuing deputy or a supervisor. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

Although not governed by this policy manual, the air support crew 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 to continue the pursuit. If deputies on the ground are not within visual contact of the pursued vehicle and the air support crew opines that it may be unsafe to continue the pursuit, the air support crew should provide those details of the pursuit and their opinion to the pursuing deputy or a supervisor.

#### 307.5.3 DEPUTIES NOT INVOLVED IN THE PURSUIT

Deputies who are not involved in the pursuit are encouraged to remain in their assigned areas. If in the vicinity, deputies not involved in the pursuit may monitor and safely parallel the pursuit route at legal speeds and following the appropriate rules of the road, but should not become involved with the pursuit unless directed otherwise by a supervisor.

Uninvolved 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. Those deputies should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the sheriff's department vehicle.

Non-pursuing members responding to a pursuit termination point should respond in a nonemergency manner, observing the rules of the road. Deputies and supervisors at the termination of a pursuit may request additional deputies to the pursuit termination point using emergency equipment if needed for officer safety or to assist in apprehending the suspect(s).

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other deputies are assigned to the pursuit.

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### **307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES**

Available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this department.

The on-duty field supervisor of the deputy initiating the pursuit will be responsible for:

- (a) Immediately notifying involved deputies and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel and proper radio procedures are being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (i) Controlling and managing Walla Walla County Sheriff's Office deputies when a pursuit enters another jurisdiction.
- (j) Preparing a post-pursuit review and documentation of the pursuit as required.
- (k) Ensuring all department vehicles used in a pursuit are subsequently checked by the county shop in a timely manner.
- (l) Ensure all required reports are completed and review all pertinent reports for content.
- (m) Ensure all related reports are forwarded to the Chief Criminal Deputy.

### **307.7 DISPATCH**

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 dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved deputies should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

#### **307.7.1 RESPONSIBILITIES**

Although not governed by this policy manual, upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

- (a) Clearing the radio channel of nonemergency traffic.



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- (b) Coordinating pursuit communications of the involved deputies.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Assigning an incident number and logging all pursuit activities.

### **307.8 LOSS OF PURSUED VEHICLE**

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

### **307.9 INTERJURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction outside Walla Walla County, the primary pursuing deputy or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether 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 pursuing deputy or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

#### **307.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Deputies will relinquish control of the pursuit when another agency has properly and thoroughly assumed the pursuit, unless the continued assistance of the Walla Walla County Sheriff's Office is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved deputies may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of deputies at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of 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. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, deputies should obtain specific confirmation that the other agency is requesting WWSO assume the pursuit and the other agency should then relinquish control.

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### **307.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Deputies from this department should not join a pursuit unless requested to do so by the pursuing agency. Deputies should attempt to obtain approval to join the pursuit from a supervisor; however in such circumstances, officer safety and public safety are paramount and should dictate the decision whether to join another agency pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Walla Walla County Sheriff's Office, the deputy and supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of all pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

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

Assistance to a pursuing agency by deputies of this department should conclude at the County limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

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

### **307.10 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT, ramming or roadblock procedures.

#### **307.10.1 WHEN USE IS AUTHORIZED**

Whenever practicable, an deputy should seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, deputies/supervisors should balance the risk 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 this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the deputy at the time of the decision.

#### **307.10.2 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

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ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. 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.

### 307.10.3 INTERVENTION STANDARDS

Any 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 force, including deadly force, and are subject to policies guiding such use. Deputies shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained deputies and after giving consideration to the following:
  - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, deputies or others.
  - 2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
  - 3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.
  - 4. The suspect vehicle is stopped or traveling at a low speed.
  - 5. Only law enforcement vehicles should be used in this tactic.
- (b) The PIT is limited to use by properly trained deputies with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to deputies, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputies's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. 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. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
  - 1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
  - 2. 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 or using the vehicle as a weapon.

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- (d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle. Deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (e) Tire deflation devices should be deployed only after notification of pursuing deputies and the supervisor of the intent and location of the intended deployment, and in a manner that:
  - 1. Should reasonably only affect the pursued vehicle.
  - 2. Provides the deploying deputy adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
  - 3. Takes into account the limitations of such devices as well as the potential risk to deputies, the public and occupants of the pursued vehicle.
  - 4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.
- (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 is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, deputies or the public.

### 307.11 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 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.

Unless relieved by a supervisor, the primary pursuing deputy should coordinate efforts to apprehend the suspect following the pursuit. Deputies should consider the safety of the public and the involved deputies when formulating plans for setting up perimeters or for containing and capturing the suspect.

### 307.12 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

- (a) The primary pursuing deputy shall complete appropriate crime/arrest reports.
- (b) The primary pursuing deputy or supervisor shall complete the appropriate pursuit report.

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- (c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a WWSO Pursuit Data Collection Report for internal purposes. This report should include, at a minimum:
  - 1. Date and time of the pursuit.
  - 2. Initial reason and circumstances surrounding the pursuit.
  - 3. Length of pursuit in distance and time, including the starting and termination points.
  - 4. Involved vehicles and deputies.
  - 5. Alleged offenses.
  - 6. Whether a suspect was apprehended, as well as the means and methods used.
    - (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
  - 7. Arrestee information, if applicable.
  - 8. Any injuries and/or medical treatment.
  - 9. Any property or equipment damage.
  - 10. Name of supervisor at the scene or who handled the incident.
  - 11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
- (d) If after completion of this pursuit data report, more details regarding the circumstances of the pursuit should be documented, the supervisor should complete a WWSO inter-office memorandum to the Chief Criminal Deputy explaining the additional facts and circumstances.
- (e) After receiving copies of reports, logs and other pertinent information, the Sheriff or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.
- (f) Annually, the Sheriff should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

### **307.13 REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary training on pursuits, all deputies will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others.

Squad supervisors shall ensure that this annual training is conducted in roll calls or detective meetings and shall ensure that the training is properly documented and placed in each deputy's training file.

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#### **307.14 POLICY REVIEW**

Deputies of this department shall certify in writing that they have received, read and understand this policy initially, upon any amendments and whenever training on the policy is provided.

## Deputy Response to Calls

### 308.1 PURPOSE AND SCOPE

This policy provides deputies with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

### 308.2 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

### 308.3 RESPONSE TO CALLS

Deputies responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

#### 308.3.1 EMERGENCY CALLS

Deputies responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (RCW 46.61.035).

Deputies should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to:

- (a) When in pursuit or apprehending a violator or suspected violator.
- (b) When responding to a reported emergency involving possible personal injury, death or significant property damage.
- (c) When immediate assistance is requested by a deputy or other law enforcement agency.

Deputies not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

### 308.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved department member should reasonably believe there is a reasonably possible or imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign
- Location of the emergency situation

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- Suspect information, including weapons
- Reason for the request and type of emergency
- The number of deputies or resources required
- Hazards and any known or potential dangers for responding deputies

When a deputy is requesting assistance, the following terms shall be used:

- "Additional Unit" - the deputy is requesting one additional deputy to his/her location. The requesting deputy shall advise dispatch whether or not a "code" response is requested for the additional responding unit.
- "Back-Up" - the deputy is requesting all available deputies in the vicinity respond to his/her location as quickly and safely as possible utilizing a "code" response. Responding units shall notify dispatch of their response and the location from where they are responding.
- "Officer Needs Help" - the deputy is requesting all on-duty commissioned deputies in the county, regardless of current status or assignment, respond to his/her location as quickly and safely as possible utilizing a "code" response. Responding units shall notify dispatch of their response and the location from where they are responding.

In any event where a situation has stabilized and emergency response is no longer required, the requesting member shall immediately notify the dispatcher.

Supervisors shall monitor and coordinate all responses to requests for assistance.

### **308.5 SAFETY CONSIDERATIONS**

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the deputy may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property (RCW 46.61.035):

- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing parking, direction of movement or turning in specified directions.

### **308.6 EMERGENCY EQUIPMENT**

Vehicles not equipped with emergency lights and siren may respond to requests for assistance, but are prohibited from initiating or joining in a "code" emergency response. Deputies in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws.



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If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the emergency response and continue accordingly. The deputy shall notify the field supervisor or the dispatcher of the equipment failure so that another deputy may be assigned to the emergency response.

### **308.7 DEPUTY RESPONSIBILITIES**

The decision to initiate or continue an emergency response is at the discretion of the deputy. If, in the deputy's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the deputy should immediately notify the dispatcher. A deputy shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon being dispatched, receiving authorization or determining that an emergency response is appropriate, a deputy shall immediately give the location from which he/she is responding.

The first deputy arriving at the emergency call should determine whether to increase or reduce the level of the response of additional deputies and shall notify the dispatcher of his/her determination. Any subsequent change in the appropriate response level should be communicated to the dispatcher by the deputy in charge of the scene unless a supervisor assumes this responsibility.

### **308.8 DISPATCH**

Although not governed by this manual, when information reasonably indicates that the public is threatened with serious injury or death, or a deputy requests emergency assistance and immediate law enforcement response is needed, the dispatcher should assign an emergency response and ensure acknowledgement and response of handling and assisting deputies. In all other circumstances, the dispatcher should obtain authorization from the Shift Supervisor prior to assigning an emergency response.

#### **308.8.1 RESPONSIBILITIES**

Although not governed by this manual, upon notification or assignment of an emergency response, the dispatcher should be responsible for:

- (a) Confirming the location from which the deputy is responding or requesting assistance.
- (b) Attempting to assign the closest available assisting deputies to the location of the emergency call.
- (c) Continuing to obtain and broadcast information as necessary concerning the response and monitoring the situation until it is stabilized or terminated.
- (d) Notifying and coordinating allied emergency services (e.g., fire, emergency medical services).
- (e) Notifying the Shift Supervisor as soon as practicable.

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- (f) Controlling all radio communications during the emergency and coordinating assistance under the direction of the Shift Supervisor.

### **308.9 SUPERVISOR RESPONSIBILITIES**

Upon being notified that an emergency response has been initiated or requested, the Shift Supervisor shall verify that:

- (a) The proper response has been initiated.
- (b) No more than those deputies reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.
- (d) In accomplishing these duties, the supervisor should be mindful of and not consume needed air time on the radio.

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

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

When making the decision to authorize an emergency response, the Shift Supervisor should consider:

- The type of call or crime involved.
- The type and circumstances of the request.
- The necessity of a timely response.
- Weather, traffic and road conditions.
- The location of the responding deputies and the location of the incident.

## Canines

### 309.1 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.

### 309.2 POLICY

It is the policy of the Walla Walla 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. All WWSO canine teams shall be in compliance with WAC 139.05.915 and the related CJTC canine certification policies.

### 309.3 ASSIGNMENT

Patrol Canine teams should be assigned to Operations Division regular patrol assignments as a member of a Patrol Squad. When canine assistance is needed, the on-duty canine team will be assigned to that particular incident. WWSO canine teams are subject to call outs when off-duty.

### 309.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Chief Criminal Deputy.

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 a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a 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.

### 309.5 REQUESTS FOR CANINE TEAMS

Members of this agency are encouraged to request the use of a canine.

Requests for a WWSO canine team from outside agencies shall be reviewed in accordance with this policy.

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### 309.5.1 OUTSIDE AGENCY REQUEST

The Shift Supervisor or on-call Command Staff Officer must approve all requests for canine assistance from outside agencies subject to the following provisions:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy manual.
- (b) The handler has the authority to decide whether the canine should be used for any specific assignment or request.
- (c) When time, tactics, and officer safety allows, requests for assistance for an on-duty canine team from an outside agency within the boundaries of Walla Walla County should be approved by the on-duty shift supervisor.
- (d) Canine teams shall not be called out while off-duty unless authorized by the Chief Criminal Deputy, Undersheriff, or Sheriff.
- (e) Canine teams shall not be used outside the boundaries of the Walla Walla County unless authorized by the Chief Criminal Deputy, Undersheriff, or Sheriff.
- (f) A canine may only be used outside the boundaries of the Walla Walla County when the approving Command Staff Officer reasonably believes:
  - 1. the wanted individual in the outside jurisdiction has committed a felony criminal offense,
  - 2. will be arrested for a felony criminal offense when located,
  - 3. there is a reasonable belief that the individual poses an imminent threat of violence or serious harm to the public or any peace officer,
  - 4. the individual is physically resisting or threatening to resist arrest,
  - 5. the use of a canine reasonably appears to be necessary to overcome such resistance, and
  - 6. the individual(s) is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.
- (g) It shall be the responsibility of the canine handler to communicate and coordinate with WWSO and outside agency personnel in order to minimize the risk of injury.

When requests for assistance outside Walla Walla County are approved as outlined above, a canine handler may request an additional WWSO deputy to respond as a canine search team member. When such a request is made, the on-duty shift supervisor shall advise the command staff officer of the number of currently deployed on-duty patrol deputies and his/her opinion if an on-duty deputy is practicable and available to assist the responding canine team outside the county. If an on-duty deputy is not practicable or available to assist, then the command staff officer will decide whether or not to call out an off-duty deputy to respond either as a canine search team member or patrol squad member for coverage. When such approval is granted, the on-duty supervisor shall coordinate the call-out and response.

## *Canines*

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### 309.5.1 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the Sheriff prior to making any resource commitment. If approved, 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 Sheriff prior to the event.

### 309.6 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 is 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 is 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.

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 Supervisor. 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, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

### 309.6.1 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.

## *Canines*

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- (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 utilized.
- (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.

### 309.6.2 GUIDELINES FOR THE USE OF CANINES

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 appear reasonably necessary. 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.

### 309.6.3 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 and on-call Command Staff Officer. Unintended bites or injuries caused by a canine should be documented in an administrative memorandum, not in a canine use report.

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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 in accordance with current department Use of Force reporting procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

### **309.7 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). 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 handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

#### **309.7.1 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.

#### **309.7.2 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.

## Canines

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### 309.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and deputies when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. Although the WWSO does not have a Bomb/Explosives Detection Canine, when available, an explosive-detection canine team from another agency may be used in accordance with current law and under certain considerations, 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, 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 should an explosive-detection trained canine be used to render a suspected device safe or clear.

### 309.8 HANDLER SELECTION

The minimum qualifications and considerations for the assignment of canine handler include:

- (a) A deputy or corporal who is currently off probation.
- (b) Interest in the K-9 field.
- (c) Generally, sergeants should not be canine handlers.
- (d) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).
- (e) Living within the Walla Walla County limits.
- (f) Agreeing to be assigned to the position for a minimum of three years.
- (g) Demonstration of good initiative and sound judgement.
- (h) Temperment and suitability for canine handler duties.
- (i) Demonstration of good tactical skills and shooting ability.
- (j) Ability to perform duties in stressful situations with limited supervision.
- (k) Good physical condition.
- (l) Good moral character.
- (m) Good work ethic.
- (n) Dedication to the Vision, Mission, and Core Values of the Walla Walla County Sheriff's Office.



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### **309.9 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, ongoing training, medical care, affection, and appropriate 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) 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.
- (d) Any changes in the living status of the handler shall be reported to the canine coordinator and Chief Criminal Deputy as soon as possible.
- (e) When off-duty, the canine shall be in a kennel provided by the County 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 only be let out of the kennel while under the direct control of the handler.
- (f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (g) Under no circumstances will the canine be lodged at another location unless approved by a Command Staff Officer.
- (h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by a Command Staff Officer.
- (i) 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. In those situations, the canine will be housed at either another approved kennel location, another handler's residence in an approved kennel separate from the handler's primary kennel for his/her canine, or an approved veterinarian's kennel.

#### **309.9.1 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.
- (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.

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### **309.10 HANDLER COMPENSATION**

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

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).

### **309.11 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 Supervisor as soon as practicable and appropriately documented. The report shall then be forwarded through the chain of command to the Sheriff.

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 that canine's personnel file.

### **309.12 TRAINING**

Before assignment in the field, each canine team shall be trained and certified to be in compliance with WAC 139.05.915 and meet current Criminal Justice Training Commission (CJTC) policy standards.

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, how to be a perimeter officer during a canine search, and how to be a canine search team member.

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

#### **309.12.1 CONTINUED TRAINING**

Each canine team shall thereafter be recertified to be in compliance with WAC 139.05.915 and meet current Criminal Justice Training Commission (CJTC) policy standards. Additional training considerations are as follows:

- (a) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (b) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not in compliance with WAC 139.05.915 or does not meet current Criminal Justice Training Commission (CJTC) policy standards.
- (c) If applicable, canine teams should receive training as defined in the current contract with the WWSO canine training vendor provider.

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### 309.12.2 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.

### 309.12.3 TRAINING RECORDS

A record for each canine that includes training, performance and identification records, and that meets CJTC requirements, shall be created and maintained in the canine handler's and the canine's training file.

### 309.12.4 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 Walla Walla County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

### 309.12.5 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 Walla Walla 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.

### 309.12.6 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 pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

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- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk or rear cargo area 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 Section 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.

# Domestic Violence

## 310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence.

### 310.1.1 DEFINITIONS

Definitions related to this policy include:

**Court order** - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

## 310.2 POLICY

The Walla Walla County Sheriff's Office's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

## 310.3 OFFICER SAFETY

The investigation of domestic violence cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

## 310.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) In cases where the victim or person reporting calls back and attempts to cancel law enforcement response, deputies shall continue to respond and verify the safety of the victim and all persons involved.
- (c) When practicable, deputies should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

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- (d) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (e) When practicable and legally permitted, video or audio record all significant statements and observations.
- (f) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Bureau in the event that the injuries later become visible.
- (g) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (h) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (i) If appropriate and legally permitted, seize all firearms and other dangerous weapons in the home for safekeeping or as evidence.
- (j) When completing a case or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the investigating deputy should attach a copy of the order to the case or arrest report.
- (k) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Marital status of suspect and victim.
  - 2. Whether the suspect lives on the premises with the victim.
  - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 4. The potential financial or child custody consequences of arrest.
  - 5. The physical or emotional state of either party.
  - 6. Use of drugs or alcohol by either party.
  - 7. Denial that the abuse occurred where evidence indicates otherwise.
  - 8. A request by the victim not to arrest the suspect.

## *Domestic Violence*

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9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position, or sexual orientation of the victim or suspect.

### **310.4.1 HOSPITALIZED VICTIM**

When responding to a medical facility regarding an injured person, deputies should make a reasonable attempt to determine whether the injury was a result of domestic violence prior to contacting the victim or person who reported the incident.

If domestic violence is suspected, contact should be made with the medical facility representatives out of the view and hearing of the victim and any potential suspects when practical.

### **310.4.2 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.
- (d) Provide the victim with VINE and online VINELink information; VINE - Victim Information and Notification Everyday, the National Victim Notification Network. This service claims to allow crime victims to obtain reliable information about criminal cases and the custody status of offenders 24 hours a day.

### **310.4.3 IF NO ARREST IS MADE**

If no arrest is made, the deputy should:

- (a) Advise the parties of any options, including but not limited to:
  1. Voluntary separation of the parties.
  2. Appropriate resource referrals (e.g., Order for Protection Clinic at Walla Walla County Superior Court, DV/Sexual Assault Center at the Walla Walla YWCA, counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the possible or proposed resolution in the case report.

### **310.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Deputies should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the office's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.

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- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

### **310.6 DISPATCH ASSISTANCE**

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

### **310.7 FOREIGN COURT ORDERS**

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

### **310.8 VERIFICATION AND SERVICE OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.



## *Domestic Violence*

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- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

### **310.9 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(2)). Whenever a member of this 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).

### **310.10 REPORTS AND RECORDS**

- (a) Deputies responding to a domestic violence call shall take a complete offense report, including the disposition of the case (RCW 10.99.030(6)(b)).
- (b) All such reports should be documented under the appropriate crime classification and should use the distinction "Domestic Violence" in the Type of Crime box of the crime report form (RCW 10.99.030(11)).
- (c) Whenever there is probable cause to believe that a crime has been committed and unless the case is under active investigation, the Operations Supervisor shall ensure that all domestic violence crime reports are forwarded to the County Prosecutor's Office within 10 days of the date the incident was reported (RCW 10.99.030(9)).
- (d) The Records Clerk shall ensure that accurate records of domestic violence incidents are maintained and submitted to the Washington Association of Sheriffs and Police Chiefs, in accordance with state law (RCW 10.99.030(12)).

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#### **310.11 COURT ORDERS**

Administrative Services Division personnel shall ensure that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order (RCW 10.99.040; RCW 10.99.050).

## Search and Seizure

### 311.1 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 Walla Walla County Sheriff's Office personnel to consider when dealing with search and seizure issues.

### 311.2 POLICY

It is the policy of the Walla Walla 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.

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.

### 311.3 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 and Seizure*

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### **311.3.1 RESTRICTIONS ON CELL SITE SIMULATOR USE**

A member may only install or use a pen register, trap and trace device or cell site simulator device with a supporting court order or when there is both coordination with a prosecuting attorney and joint determination of probable cause to believe an emergency situation exists that involves immediate danger of death or serious bodily injury to a person. A court order must be obtained within 48 hours after installation of the pen register, trap and trace device or cell site stimulator device when an emergency situation exists (RCW 9.73.260).

### **311.4 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.

### **311.5 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

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## Policy Manual

### *Search and Seizure*

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- 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

### 312.1 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 Walla Walla County Sheriff's Office (34 USC § 11133).

#### 312.1.1 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) 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.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

## *Temporary Custody of Juveniles*

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

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

### **312.2 POLICY**

The Walla Walla 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 Walla Walla County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

### **312.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the Walla Walla 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 Walla Walla 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.

### **312.4 CUSTODY OF JUVENILES**

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

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

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as

## *Temporary Custody of Juveniles*

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practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Walla Walla County Sheriff's Office (34 USC § 11133; RCW 13.04.116(b)).

### 312.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Walla Walla County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

### 312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

### 312.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

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

### 312.4.4 LIMITATIONS ON RELEASE OF JUVENILE OFFENDERS

Juveniles should be referred to the appropriate juvenile authority and not released to a parent or guardian when there is probable cause to believe the juvenile (RCW 13.40.040(2)):

- (a) Will likely fail to appear for further proceedings.
- (b) Needs protection from him/herself.
- (c) Is a threat to community safety.
- (d) Will intimidate witnesses or otherwise unlawfully interfere with the administration of justice.
- (e) Has committed a crime while another case was pending.
- (f) Is a fugitive from justice.
- (g) Has had his/her parole suspended or modified.
- (h) Is a material witness.



## *Temporary Custody of Juveniles*

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### **312.5 ADVISEMENTS**

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

### **312.6 JUVENILE CUSTODY LOGS**

Any time a juvenile is held in custody at the Office, 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 Walla Walla County Sheriff's Office.
- (c) Shift Supervisor notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (e) Any changes in status.
- (f) Time of all welfare checks and deputy conducting welfare check.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Supervisor shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

### **312.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (34 USC § 11133). 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 Walla Walla 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.

### **312.8 TEMPORARY CUSTODY REQUIREMENTS**

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

- (a) The Shift Supervisor should be notified if it is anticipated that a juvenile may need to remain at the Walla Walla County Sheriff's Office more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the Walla Walla County Sheriff's Office more than six hours.

## *Temporary Custody of Juveniles*

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- (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.
- (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.

### **312.9 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Walla Walla 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 Supervisor. 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.

## *Temporary Custody of Juveniles*

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### **312.10 PERSONAL PROPERTY**

The deputy taking custody of a juvenile offender or status offender at the Walla Walla 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 Walla Walla County Sheriff's Office.

### **312.11 SECURE CUSTODY**

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

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

Members of this office 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.

#### **312.11.1 LOCKED ENCLOSURES**

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

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

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to office members.
- (c) Initial placement into and removal from a locked enclosure shall be logged.
- (d) Random personal visual checks of the juvenile by a staff member, no less than every 15 minutes, shall occur.
  - 1. All checks shall be logged.

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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.

### **312.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE**

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

- (a) Immediate notification of the on-duty supervisor, Sheriff and Detective Bureau 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.

### **312.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

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

### **312.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

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

### **312.15 RELEASE OF INFORMATION CONCERNING JUVENILES**

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

#### **312.15.1 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.

## *Temporary Custody of Juveniles*

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- (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 Clerk and the appropriate Detective Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

## Adult Abuse

### 313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Walla Walla County Sheriff's Office members as required by law.

#### 313.1.1 DEFINITIONS

Definitions related to this policy include:

**Adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

### 313.2 POLICY

The Walla Walla County Sheriff's Office will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

### 313.3 MANDATORY NOTIFICATION

Members of the Walla Walla County Sheriff's Office shall notify the Washington State Department of Social and Health Services (DSHS) when there is reasonable cause to believe that abandonment, abuse, financial exploitation or neglect of a vulnerable adult has occurred. Members shall also notify DSHS when there is reason to suspect sexual assault or physical assault or reasonable cause to believe that an act has caused fear of imminent harm. The medical examiner or coroner shall also be notified when there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect or abandonment by another person (RCW 74.34.035).

For purposes of notification (RCW 74.34.020):

- Abandonment is action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the person without the means or ability to obtain necessary food, clothing, shelter or health care.
- Abuse is willful action or inaction that inflicts injury, unreasonable confinement or restraint, sexual abuse, physical abuse, financial exploitation, mental abuse, intimidation or punishment as provided.
- A vulnerable adult is a person who is:
  - (a) 60 years or older who has the functional, mental or physical inability to care for himself/herself.
  - (b) Is found by the superior court to be incapacitated under RCW 11.88.005 et seq.
  - (c) Has a developmental disability as defined under RCW 71A.10.020.
  - (d) Is admitted to any facility as defined in RCW 74.34.020 (assisted living facility, nursing home or other facility licensed by DSHS).

## *Adult Abuse*

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- (e) Is receiving services from an individual provider or licensed home health, hospice or home care agency.
- (f) Self-directs his/her own care and receives services from a personal aide under RCW 74.39.001 et seq.

### **313.3.1 NOTIFICATION PROCEDURE**

Notification should occur as follows (RCW 74.34.035):

- (a) All notification to DSHS shall be made immediately or as soon as practicable by telephone
- (b) Information provided shall include, if known:
  - 1. The name and address of the person making the report.
  - 2. The name and address of the vulnerable adult.
  - 3. The name and address of the facility or agency providing care for the vulnerable adult.
  - 4. The name and address of the legal guardian or alternate decision maker.
  - 5. The nature and extent of the abandonment, abuse, financial exploitation, neglect or self-neglect.
  - 6. Any history of previous abandonment, abuse, financial exploitation, neglect or self-neglect.
  - 7. The identity of the alleged perpetrator, if known.
  - 8. Any 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.

### **313.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

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### **313.5 INVESTIGATIONS AND REPORTING**

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. If the investigation reveals that a crime may have been committed, the County prosecutor shall be provided a written report of the incident (RCW 74.34.063(3)).

Investigations and reports related to suspected cases of adult 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 adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

### **313.6 PROTECTIVE CUSTODY**

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact DSHS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger



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the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to DSHS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

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 make an attempt to obtain a protective order against the person alleged to have committed or threatened such abuse pursuant to RCW 74.34.110; RCW 74.34.210; or other applicable statutes.

### **313.7 INTERVIEWS**

#### **313.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, deputies should audio and video record the preliminary interview with a suspected adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When and if practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

#### **313.7.2 DETAINING VICTIMS FOR INTERVIEWS**

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
  - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

### **313.8 MEDICAL EXAMINATIONS**

When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency or entity having

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legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, 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 adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

### **313.9 DRUG-ENDANGERED VICTIMS**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

#### **313.9.1 SUPERVISOR RESPONSIBILITIES**

The Detective Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including DSHS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Detective Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.
- (c) Develop a report format or checklist for use when 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 adult.

#### **313.9.2 DEPUTY RESPONSIBILITIES**

Deputies responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the on-call Command Duty Officer so an interagency response can begin.

### **313.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Washington requires or permits the following:

#### **313.10.1 ARREST WITHOUT WARRANT**

When a deputy has confirmed that a valid court order for protection, including a temporary order, exists and has probable cause to believe that a person has violated that order, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.50.110).

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### 313.10.2 ADMINISTRATIVE SERVICES DIVISION RESPONSIBILITIES

The Administrative Services Division is responsible for:

- (a) Providing a copy of the adult abuse report to DSHS as required by law.
- (b) Retaining the original adult abuse report with the initial case file.

### 313.10.3 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 74.34.035(9); RCW 74.34.095).

### **313.11 TRAINING**

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

## **Discriminatory Harassment**

### **314.1 PURPOSE AND SCOPE**

This policy is intended to prevent agency members from being subjected to discrimination or sexual harassment.

### **314.2 POLICY**

The Walla Walla 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 Agency will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Agency 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 Agency 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.

### **314.3 DISCRIMINATION PROHIBITED**

#### **314.3.1 DISCRIMINATION**

The Agency prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member 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 agency policy and to the Agency's commitment to a discrimination free work environment.

#### **314.3.2 RETALIATION**

Retaliation is treating a person 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.

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### **314.3.3 SEXUAL HARASSMENT**

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member 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.

### **314.3.4 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 a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with County or agency rules or regulations, or any other appropriate work-related communication between supervisor and member.

## **314.4 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 Agency 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 member 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, Undersheriff, Chief Criminal Deputy, or Chief Civil Deputy.

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.

### **314.4.1 SUPERVISOR RESPONSIBILITY**

Each supervisor and manager shall:

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- (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 members 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.

### **314.4.2 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 Agency 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 members or issuing discipline, in a manner that is consistent with established procedures.

### **314.5 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 Agency 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.

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### **314.5.1 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, offensive, unprofessional or inappropriate. 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.

### **314.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The member assigned to investigate the complaint 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, Undersheriff, Chief Criminal Deputy, or Chief Civil Deputy.

### **314.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Agency. Members who believe that they have been harassed, discriminated or retaliated 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. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

### **314.6 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

### **314.7 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 his/her designee.

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- Maintained for the period established in the agency's records retention schedule.

### **314.8 TRAINING**

All new members should be provided with a copy of this policy as part of their orientation. The policy should be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

Supervisors shall provide annual training on the requirements of this policy during roll calls and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

#### **314.8.1 QUESTIONS OR CLARIFICATION**

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, a Command Staff Officer, or the Sheriff for further information, direction or clarification.



# Child Abuse

## 315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Walla Walla County Sheriff's Office members are required to notify the Department of Children, Youth, and Families, Child Protective Services (CPS) of suspected child abuse.

### 315.1.1 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.

## 315.2 POLICY

The Walla Walla County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

## 315.3 MANDATORY NOTIFICATION

Members of the Walla Walla 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 16 years of age is in a vehicle being driven by the child's parent, guardian, legal custodian, sibling or half-sibling and that person is being arrested for a drug or alcohol-related driving offense (RCW 46.61.507).

If, during an investigation of drug manufacturing, a deputy discovers that a child is present at the investigation site, the deputy shall notify CPS immediately (RCW 26.44.200).

### 315.3.1 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.

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- (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.
  - 8. Any and all other children residing in the home with the victim child.
- (d) The Office shall forward all case dispositions to CPS.

### **315.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases 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.).

### **315.5 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:

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- (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) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.
- (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).

### **315.6 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 office should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to CPS.

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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).

### **315.6.1 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.

## **315.7 INTERVIEWS**

### **315.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

### **315.7.2 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.

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### **315.7.3 TRAINING REQUIREMENT**

Ideally, only those members who have successfully completed Washington State Criminal Justice Training Commission (WSCJTC) sponsored training on interviewing child victims of sexual abuse should participate in or conduct such interviews. Deputies should attempt to conduct interviews of children who are suspected victims of sexual abuse in compliance with the training standards set forth in RCW 43.101.224.

### **315.8 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.

### **315.9 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.

#### **315.9.1 SUPERVISOR RESPONSIBILITIES**

Supervisors 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 a 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.

#### **315.9.2 DEPUTY RESPONSIBILITIES**

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

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- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify a supervisor so an interagency response can begin.

### **315.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Washington requires or permits the following:

#### **315.10.1 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 Maintenance and Release Policy (RCW 42.56.240).

#### **315.10.2 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).

#### **315.10.3 CASE SUBMISSION TO PROSECUTOR**

The Walla Walla County Sheriff's Office shall forward all 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 alleged sexual abuse.

#### **315.10.4 AGENCY COORDINATION**

If this office responds to a complaint of alleged child abuse and discovers that another agency has also responded to the complaint, this office 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).

#### **315.10.5 LOCAL CHILD ABUSE PROTOCOLS**

The Detective Bureau Supervisor should ensure that local child abuse protocols for the investigation of child abuse are available to those office members who have a role in child abuse investigations (RCW 26.44.180 et seq.).

#### **315.10.6 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).

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### 315.10.7 POSTING OF MANDATED REPORTER REQUIREMENTS

The Shift Supervisor shall ensure that the Department of Children, Youth, and Families poster regarding mandated reporting requirements for child abuse and neglect is posted in a member common area (RCW 26.44.030).

### **315.11 TRAINING**

The Office should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

# Missing Persons

## 316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

### 316.1.1 DEFINITIONS

Definitions related to this policy include:

**At risk** - This includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
  - 1. Missing under unexplained, involuntary or suspicious circumstances and is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or it is believed that the person is unable to return to safety without assistance.
  - 2. Out of the zone of safety for his/her chronological age and developmental stage.
  - 3. Mentally or behaviorally disabled.
  - 4. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
  - 5. Absent from home for more than 24 hours before being reported to law enforcement as missing.
  - 6. In a life-threatening situation.
  - 7. In the company of others who could endanger his/her welfare.
  - 8. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
  - 9. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown.

**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).

## 316.2 POLICY

The Walla Walla County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Walla Walla County Sheriff's Office gives missing person



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cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

### **316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Detective Bureau supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

### **316.4 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.

### **316.5 INITIAL INVESTIGATION**

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party 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 immediately 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) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
  1. Immediately, when the missing person is at risk.
  2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

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- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
  - (a) A photograph and fingerprint card of the missing person, if available.
  - (b) A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  - (c) Any documents that may assist in the investigation, such as court orders regarding custody.
  - (d) Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier (RCW 80.36.570).
  - 1. Information may only be sought from a carrier in an emergency situation that involves the risk of death or serious physical harm.
  - 2. Members shall check NCIC and other available databases for a history of domestic violence or court order restricting contact and verify through the Washington State Patrol (WSP) that the missing person is not participating in the address confidentiality program under RCW 40.24.030 et seq. Information obtained from NCIC, other databases or WSP shall not be released except by court order.
  - 3. Information received from a carrier is restricted and should only be released to first responders responding to the emergency situation.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (j) Consider contacting the WSP Missing and Exploited Children's Task Force (MECTF) if additional resources are needed (RCW 13.60.110).

### **316.6 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.

#### **316.6.1 SUPERVISOR RESPONSIBILITIES**

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

- (a) Reviewing and approving missing person reports upon receipt.
  - 1. The reports should be promptly sent to the Records Unit.
- (b) Ensuring resources are deployed as appropriate.

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- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
  - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

### **316.6.2 RECORDS UNIT RESPONSIBILITIES**

The responsibilities of the Records Unit receiving member shall include but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Detective Bureau.
- (e) Coordinating with the NCIC Terminal Contractor for Washington to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

### **316.7 DETECTIVE BUREAU FOLLOW-UP**

In addition to completing or continuing any actions listed above, 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 recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and 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.

# Walla Walla County Sheriff's Office

## Policy Manual

### *Missing Persons*

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- (d) Shall verify and update WACIC, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the WSP Missing and Unidentified Persons Unit (MUPU) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

#### 316.7.1 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:

- (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 30 days in order to verify the status of the reported missing person. After 12

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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).

### **316.8 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 relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The Records Clerk 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.

#### **316.8.1 UNIDENTIFIED PERSONS**

Office 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.

### **316.9 CASE CLOSURE**

The Detective Bureau 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 Walla Walla or this office 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 office 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.

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- (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.

### **316.10 TRAINING**

Subject to available resources, the Chief Deputy should ensure that members of this office whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
  - 1. Assessments and interviews
  - 2. Use of current resources, such as Mobile Audio Video (MAV)
  - 3. Confirming missing status and custody status of minors
  - 4. Evaluating the need for a heightened response
  - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of office members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

## Public Alerts

### 317.1 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.

### 317.2 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.

### 317.3 RESPONSIBILITIES

#### 317.3.1 MEMBER RESPONSIBILITIES

Members of the Walla Walla County Sheriff's Office should notify their supervisor, Shift Supervisor or Detective Bureau 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.

#### 317.3.2 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 Chief Deputy 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 Chief Deputy

#### 317.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES

The Sheriff should designate a public alert reporting officer, who is responsible for:

- (a) Remaining familiar with the protocols for activating, maintaining and cancelling all applicable public alerts.
- (b) Being the point of contact with the Washington AMBER Alert Advisory Committee.
- (c) Ensuring the Department has members who have completed the appropriate training.

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### **317.4 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 Walla Walla 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.

#### **317.4.1 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.

#### **317.4.2 PROCEDURE**

Should the Shift Supervisor or supervisor determine that the incident meets the criteria of the Washington Statewide AMBER Alert Plan, the Shift Supervisor 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 Washington State Patrol (WSP) Communication Center for entry into the Law Enforcement Alerting Portal (LEAP).



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### 317.4.3 INITIAL NOTIFICATIONS

Upon initiation of an AMBER Alert, the Shift Supervisor 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 Chief Deputy 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.

### 317.4.4 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.

## **317.5 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 Walla Walla 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. An endangered missing person advisory may be termed a "silver alert" when initiated to assist in the recovery of a missing endangered person age 60 or older.

### 317.5.1 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

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environmental or weather conditions, or is believed to be unable to return to safety without assistance. This also includes a person diagnosed as having Alzheimer's disease or other age-related dementia (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.

### 317.5.2 PROCEDURE

Should the Shift Supervisor or supervisor determine that the incident meets the criteria of an Endangered Missing Person Advisory, the Shift Supervisor 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 Unit 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 Dispatch 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 Unit 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 Unit 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.

### 317.6 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

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apprehending persons suspected of killing or seriously injuring a law enforcement officer (RCW 10.108.030).

The Walla Walla 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.

#### **317.6.1 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.

#### **317.6.2 PROCEDURE**

Should the Shift Supervisor or supervisor determine that the incident meets the criteria of a Blue Alert, the Shift Supervisor or supervisor should:

- (a) Coordinate with the Chief Civil Deputy and Administrative Services 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 Dispatch 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.

#### **317.7 OTHER RESOURCE CONSIDERATIONS**

The Shift Supervisor or supervisor should consider the following resources, as appropriate:

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- (a) Local allied law enforcement agency resources
- (b) Local Emergency Management Department and local HAM radio operators
- (c) Local Social Media
- (d) FBI local office
- (e) The National Center for Missing and Exploited Children (NCMEC)
  - 1. Monitor the Cyber Tipline® link and post missing children alerts
- (f) The National Oceanic Atmospheric Administration (NOAA)
  - 1. Will relay AMBER Alerts over Weather Radio

## Victim Witness Assistance

### 318.1 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.

### 318.2 POLICY

The Walla Walla County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Walla Walla 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.

### 318.3 CRIME VICTIM LIAISON

The Sheriff may appoint a member of the Office to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Walla Walla County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

#### 318.3.1 SPECIFIC VICTIM LIAISON DUTIES

The victim liaison should:

- (a) Ensure that the Office affords victims and witnesses their appropriate rights (RCW 7.69.030; RCW 7.69B.020).
- (b) Ensure that child victims and witnesses are provided appropriate services and rights (RCW 7.69A.030).
- (c) Coordinate with the County Prosecutor's Office to ensure that all other required notifications are provided to victims and witnesses.

### 318.4 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 office material or available victim resources.

#### 318.4.1 RIGHT OF IMMEDIATE MEDICAL ASSISTANCE

Victims have the right to immediate medical assistance and should not be detained for an unreasonable length of time before having such assistance administered. The deputy may

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accompany the victim to a medical facility to question the victim about the criminal incident if the questioning does not hinder the administration of medical assistance (RCW 7.69.030(9)).

### **318.5 VICTIM INFORMATION**

The Chief Civil Deputy shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime.
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U-Visa and T-Visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the deputy's name, badge number and any applicable case or incident number.
- (j) A written statement enumerating the rights of victims (RCW 7.69.030; RCW 7.69A.030; RCW 7.69B.020).
- (k) The name, address and telephone number of the local victim/witness program, or contact information for the Washington Coalition of Crime Victim Advocates.
- (l) An advisement notifying victims of domestic violence of their right to personally initiate a criminal proceeding when a deputy does not exercise arrest powers or initiate criminal proceedings by citation (RCW 10.99.030(6)(a)).
- (m) Information about the address confidentiality program (RCW 40.24.030).

### **318.6 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.

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The following investigative, law enforcement, and crime witness information is exempt from public inspection and copying under RCW 42.56.240:

Information revealing the identity of persons who are witnesses of crime or who file complaints with WWSO, if disclosure would endanger any person's life, physical safety, or property.

If at the time a complaint is filed, the witness indicates a desire for disclosure or nondisclosure, such desire shall govern and be documented in appropriate reports. At the time a complaint is filed, a deputy may advise a witness of this non-disclosure option if the deputy reasonably believes that such advisement is warranted for the person's or public's safety;

### **318.7 WITNESS INFORMATION**

Any person who has been or expects to be summoned to testify for the prosecution in a criminal action, or who is subject to call or is likely to be called as a witness, has rights to specific information about the case (RCW 7.69.030).

The Chief Civil Deputy shall ensure that witness information handouts are available and current. These should include information regarding witness rights (RCW 7.69.030).

## Hate Crimes

### 319.1 PURPOSE AND SCOPE

This office 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 office will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of this office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

### 319.2 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).

**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.

### 319.3 CRIMINAL STATUTES

#### 319.3.1 MALICIOUS HARASSMENT

A person is guilty of malicious harassment if he/she maliciously and intentionally commits one of the following acts because of his/her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap (RCW 9A.36.080):

- (a) Causes physical injury to the victim or another person.
- (b) Causes physical damage to or destruction of the property of the victim or another person.



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- (c) Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under the circumstances.

### **319.3.2 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.

### **319.3.3 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).

### **319.3.4 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).

## **319.4 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).

## **319.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES**

While it is recognized that not all crime can be prevented, this office 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.

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### **319.6 PROCEDURE FOR INVESTIGATING HATE CRIMES**

Whenever any member of this 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 brochure on hate crimes. Such brochures will also be available to members of the general public upon request. The assigned deputy(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
- (h) The assigned deputy(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

#### **319.6.1 DETECTIVE BUREAU RESPONSIBILITY**

If a case is assigned to the Detective Bureau, 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.
- (c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Washington Association of Sheriff's and Police Chiefs (WASPC) (RCW 36.28A.030).

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### **319.7 TRAINING**

All members of this office will receive CJTC approved training on hate crime recognition and investigation (RCW 43.101.290).

# Standards of Conduct

## 320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the vision, mission, core values, and code of ethics of the Walla Walla County Sheriff's Office and are expected of all agency 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 conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this agency or a member's supervisors.

## 320.2 POLICY

The continued employment or appointment of every member of the Walla Walla County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

## 320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any agency supervisor or person in a position of authority, absent a reasonable and bona fide justification.

### 320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The 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 a lawful order that is in conflict with a previous lawful order, agency 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 lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

### **320.3.2 SUPERVISOR RESPONSIBILITIES**

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

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

### **320.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Washington Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

### **320.5 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient agency service.

#### **320.5.1 LAWS, RULES AND ORDERS**

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or County manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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#### 320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Walla Walla County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

#### 320.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition, union/association activity or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

#### 320.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know 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 this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this agency.

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#### 320.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

#### 320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this agency.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Walla Walla County Sheriff's Office badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using agency resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

#### 320.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Agency within 24 hours of any change in residence address, contact telephone numbers or marital status.

#### 320.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

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- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any agency record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any agency--related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this agency or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this agency or subverts the good order, efficiency and discipline of this agency or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - (a) While on agency premises.
  - (b) At any work site, while on--duty or while in uniform, or while using any agency equipment or system.
  - (c) 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.
- (g) Improper political activity including:
  - (a) Unauthorized attendance while on--duty at official legislative or political sessions.
  - (b) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on agency property except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.
- (i) Any act on- or off-duty that brings discredit to this agency.

#### 320.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.



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- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this agency or the County.
- (g) Use of obscene, indecent, profane or derogatory language while on--duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this agency.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of agency property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
- (m) Any other on-- or off--duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this agency or its members.

#### 320.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.

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- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

### 320.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

# Information Technology Use

## 321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of agency information technology resources, including computers, electronic devices, hardware, software and systems.

### 321.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Walla Walla County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Agency or agency funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

## 321.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Agency in a professional manner and in accordance with this policy.

## 321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any agency computer system.

The Agency 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 Agency, including the agency email system, computer network and/or any information placed into storage on any agency system or device. This includes records of all keystrokes or Web-browsing history made at any agency computer or over any agency network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through agency computers, electronic devices or networks.

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Employees may not be asked or required to disclose logon information for their personal social networking accounts or to provide access to their personal social networking accounts unless otherwise allowed under RCW 49.44.200 (RCW 49.44.200).

#### **321.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Supervisors.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

##### **321.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any agency computer. Members shall not install personal copies of any software onto any agency computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Agency while on agency premises, computer systems or electronic devices. Such unauthorized use of software exposes the Agency and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of agency- or County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

##### **321.4.2 HARDWARE**

Access to technology resources provided by or through the Agency shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation or who otherwise have a legitimate law enforcement or agency-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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### 321.4.3 INTERNET USE

Internet access provided by or through the Agency shall be strictly limited to agency-related activities except de minimus personal use. Internet sites containing information that is not appropriate or applicable to agency use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

### 321.4.4 SECURUS PHONE SYSTEM

- (a) Use of the Securus Phone System website shall be used only for listening to inmate's phone calls while incarcerated at the Walla Walla County Jail which are not confidential in nature. Examples of phone calls are:
  - 1. Attorneys
  - 2. Health care personnel
  - 3. Clergy
- (b) The website should code phone calls of a confidential nature and they should not be allowed to playback.
  - 1. However, the Walla Walla Sheriff's Office (WWSO) does not represent or guarantee that the Securus Website will be uninterrupted or error-free.
  - 2. If, while listening to a phone call, it becomes apparent that it is confidential in nature:
    - (a) The law enforcement officer (LEO) should discontinue listening to the call.
    - (b) Any notes taken during the call should be destroyed.
    - (c) No information from the call should be used in a subsequent investigation nor listed in any report.
    - (d) An email shall be sent to Corrections staff advising them of the phone number connected to the confidential source.
    - (e) In the email you shall indicate the length of time you listened prior to realizing it was a confidential source.
- (c) Unauthorized attempts to upload or change information on the Securus Website is prohibited.
- (d) When accessing the Securus Website, some information about the user will automatically be collected. This information will identify you personally.
- (e) Each LEO will have their own Securus Phone System account.
  - 1. Each LEO will register with the Walla Walla Corrections Department to apply for an account.
  - 2. Misuse of the account can result in your account being revoked.

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#### **321.5 PROTECTION OF AGENCY SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

#### **321.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Agency involving one of its members or a member's duties, an alleged or suspected violation of any agency policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the agency computer system when requested by a supervisor or during the course of regular duties that require such information.

# Report Preparation

## 322.1 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.

### 322.1.1 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.

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.

## 322.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

### 322.2.1 CRIMINAL ACTIVITY

When a member 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 member shall document the incident regardless of whether a victim desires a report or prosecution. If applicable, a deputy may document that a victim did not desire a report or prosecution; however a report shall be taken.

Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
  - 1. Use of Force Policy
  - 2. Domestic Violence Policy
  - 3. Child Abuse Policy
  - 4. Adult Abuse Policy

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- 5. Hate Crimes Policy
- 6. Suspicious Activity Reports Policy
- (e) All misdemeanor crimes regardless of whether the victim desires a report.

### 322.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

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

### 322.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. A deputy handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician in attendance within 36 hours preceding death).
- (e) Found dead bodies or body parts.

### 322.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.



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### **322.2.5 MISCELLANEOUS INJURIES**

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of 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.

### **322.3 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.

#### **322.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, digitally typed reports are the preferred method of documentation if that option exists. In cases where a report must be hand-written, block printing is required.

#### **322.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS**

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

### **322.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should reject the report and provide the deputy the reasons for rejection. The original report and notification should be provided to the reporting 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.

### **322.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Unit for filing and distribution shall not be modified or altered.

Additional information to approved reports shall be documented in a Supplemental Report.

## Media Relations

### 323.1 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.

### 323.2 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, the Undersheriff, Chief Deputies, and the designated Public Information Officer may prepare and release information to the media in accordance with this policy and the applicable law.

#### 323.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall first be referred to the on-duty supervisor. The supervisor shall determine the need to contact a Command Staff member. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from the Sheriff, Undersheriff, or Chief Deputy.
- (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 this department.
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Sheriff.

### 323.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should

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be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Supervisor. 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.

### 323.3.1 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.

### 323.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Public Information Officer. When requested, additional information may be made available (RCW 42.56.070(1)). This log will generally contain the following information:

- (a) The date, time, location, case number, 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.

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- (b) The date, time, location, case number, name, birth date 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.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise coordinated with the Coroner'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 Public Records Officer, or the Chief Civil Deputy. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56.001 et seq.).

### 323.4.1 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 (see the Records Maintenance and Release and Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained.

## Subpoenas and Court Appearances

### 324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Walla Walla County Sheriff's Office to cover any related work absences and keep the Department informed about relevant legal matters.

### 324.2 POLICY

Walla Walla County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

### 324.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

A subpoena may be served upon a member by personal service or by leaving such copy at the place of his/her residence (Civil Rules, CR 45; Civil Rules, CRLJ 45; Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

Criminal subpoenas may also be served upon a member by first-class mail in a limited criminal matter. A criminal subpoena in Superior Court may be served by first-class mail together with a waiver of personal service and instructions for returning such waiver to complete service (Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

#### 324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the Prosecuting Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Walla Walla County Sheriff's Office.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Walla Walla County Sheriff's Office.

The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

## *Subpoenas and Court Appearances*

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No member shall be retaliated against for testifying in any matter.

### **324.3.2 CIVIL SUBPOENA**

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

### **324.3.3 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

### **324.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

### **324.5 STANDBY**

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

### **324.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

- (a) Be punctual when appearing in court and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the Sheriff's Office uniform, preferably Class A uniform, or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

#### **324.6.1 TESTIMONY**

Before the date of testifying, the subpoenaed member should obtain a copy of relevant reports and become familiar with the content in order to be prepared for court.

### **324.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

## Reserve Deputies

### 325.1 PURPOSE AND SCOPE

The Walla Walla 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.

### 325.2 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The Walla Walla 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.

#### 325.2.1 PROCEDURE

All Level I Reserve Deputies shall undergo the same recruitment, screening, selection, and placement process as WWSO volunteers; see Sect. 336.

#### Entry Level Applicants

All Entry Level applicants for Level II Reserve Deputy 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, a Level II applicant must have completed, or be in the process of completing, a CJTC approved basic academy or reserve academy (WAC 139-05-810).

#### Lateral Reserve Applicants

Full-time to Reserve: Full-time regular Washington State CJTC certified peace officers and full-time regular peace officers from other states with similar CJTC accepted training standards may laterally apply to become a WWSO reserve deputy. Full time regular peace officers from other states who qualify as laterals may be required to either complete a CJTC certified reserve equivalency academy or may be required to take and pass the CJTC Basic Reserve Academy final examination at the discretion of the Sheriff and the CJTC reserve officer certification manager. Completion of CJTC BLEA or equivalent may qualify as completion of the Basic Reserve Academy. Completed Field Training hours as a full-time peace officer with the previous agency may qualify and count towards reserve field training hours at the discretion of the Sheriff. Level II or Level III status will be determined on a case by case basis by the Sheriff.

Reserve to Reserve: A Washington State CJTC certified, or out of state equivalent, Reserve Officer from another agency may laterally apply to become a WWSO Reserve Deputy. Reserve peace officers from other states who qualify as laterals may be required to either complete a CJTC certified reserve equivalency academy or may be required to take and pass the CJTC Basic Reserve Academy final examination at the discretion of the Sheriff and the CJTC reserve officer certification manager. Level II or Level III status will be determined on a case by case basis by the Sheriff.

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### Reserve Deputies

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WWSO field training for lateral Level II & Level III Reserve Officers shall be a minimum of 180 hours.

#### Reserve Officer to Full Time Peace Officer

Reserve Deputies who are not or have not otherwise been CJTC certified full-time regular peace officers within time limits set for lateral peace officers, are not eligible to become full time regular Washington State CJTC certified peace officers via a lateral process. All reserve peace officers in Washington State, regardless of level, who apply to become full-time peace officers must be processed as entry level applicants.

#### **325.2.2 APPOINTMENT**

Applicants who are selected for appointment to the Sheriff's Reserve Unit shall be sworn in by the Sheriff and take a loyalty oath to observe and obey all the laws of the land and to carry out their duties to the best of their ability.

The Walla Walla County Sheriff's Office shall immediately notify the CJTC of appointments on a CJTC personnel action report form (WAC 139-05-810).

#### **325.2.3 COMPENSATION FOR RESERVE DEPUTIES**

Compensation for reserve deputies is provided as follows:

All Level I and Level II reserve deputy appointees are issued WWSO uniform attire and safety equipment. All property issued to the reserve deputy shall be returned to the Department upon termination or resignation.

From year to year, the WWSO enters into contracts for the patrol of designated parks and waterways. Dependent on contract status, Level I and Level II Reserve Deputies may have the opportunity to earn an hourly wage via working either park or boat patrol- shifts. The minimum number of monthly hours of volunteer service shall be met prior to being eligible for paid park and/or boat patrol service.

Level I and Level II reserve deputies may be eligible for participation in the Washington State reserve pension program. Interested reserve deputies should contact the Chief Civil Deputy for more information.

#### **325.2.4 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 Sheriff prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

### **325.2 LEVELS AND DUTIES OF RESERVE DEPUTIES**

There are two levels of Reserve Deputy Sheriffs within the Walla Walla County Sheriff's Office.

#### **Level II Reserve Deputy**



# Walla Walla County Sheriff's Office

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### *Reserve Deputies*

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A Level II Reserve Deputy is a specially commissioned peace officer of the WWSO with general law enforcement authority while on-duty. A Level II Reserve Deputy must meet the requirements set forth in RCW 43.101.080 (19) and WAC 139-05-810 as follows:

- (a) A level II reserve officer is a reserve peace officer with full peace officer authority and general authority when on duty and shall;
  - 1. Work under the immediate supervision of a fully commissioned, fully commissioned Washington peace officer until the reserve officer has completed a minimum of 640 hours of post academy supervised training. (Including successful participation in a field training program).
    - (a) This training must be completed with 3 years after completion of the Basic Law Enforcement Reserve Academy.
  - 2. The first 150 hours of the 640 hours shall be with a training officer who has completed either the Field Training Officer (FTO), or the Police Training Officer (PTO) course as sponsored or hosted by the commission.
  - 3. The remaining 490 hours should be with a training officer who has completed either the FTO or PTO course sponsored or hosted by the commission, but may also be completed by a regular, full time peace officer at the discretion of the hiring agency.
  - 4. The 24 hours of mandatory in-service training as required by 139-05-300(2) (a-d) \_ may be included in the annual training hours.
  - 5. The in-service training requirement for each newly appointed reserve peace officer/tribal peace officer must begin on January 1st of the calendar year following their appointment as a result of successful completion of the basic reserve law enforcement academy, basic reserve academy equivalency process, or approved waiver as provided by WAC 139-03-030
- (b) At no time shall a level II reserve be assigned to work unsupervised, or in a single officer patrol vehicle or with a level I reserve officer during the first 640 hours training; except in exigent circumstances at the discretion of the sponsoring agency.
- (c) Nothing in the sections shall prevent a level II reserve peace officer from being armed off duty as an individual citizen in lawful possession of a concealed pistol license.

Level II Reserve Deputies assist other deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of Level II Reserve Deputies will usually be to augment the Patrol Bureau of the Operations Division. Level II Reserve Deputies may be assigned to other areas within the Department as needed.

Level II Reserve Deputies with 0-5 years of service are required to work a minimum of 20 hours per month in addition to all required training and meetings. Level II Reserve Deputies with over 5 years of service are required to work a minimum of 16 hours per month in addition to all required training and meetings.

### **Level I Reserve Deputy**

# Walla Walla County Sheriff's Office

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### *Reserve Deputies*

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A level I (One) reserve deputy is a reserve peace deputy with full peace officer authority and general authority while on duty with a minimum of 640 hours of Post Academy training as a Level II reserve deputy. A Level I reserve deputy may work solo patrol and other law enforcement assignments at the discretion of the sponsoring agency after having met the following requirements:

- (a) Must have 640 hours of post academy training as a Level II reserve as specified under section 12 above.
- (b) Must complete the application for level I status and request level I status from their sponsoring agency. CJTC will not accept direct applications from Level II Reserve Deputies seeking Level I classification.
  - 1. The reserve shall request Level I status by contacting their agency.
  - 2. The Sponsoring agency retains the sole discretion to submit the Level I classification application. An agency may believe, based upon policy or their firsthand experience and observations, that Level I Reserve status is not appropriate given the individual circumstances or by agency policy.
  - 3. If the sponsoring agency deems the Reserve requesting Level I classification is appropriate, the sponsoring agency will request the Reserve be classified as a Level I by completing the CJTC Application for Level I Classification and submitting to CJTC.
  - 4. At no time shall an agency require that a level II reserve become a level I reserve. The decision to request level I status shall only be initiated at the request of the reserve deputy.
  - 5. Sponsoring agency signs the application, attesting the reserve has successfully completed and met all requirements to become Level 1 classified and forwards the approved application to CJTC for review.
  - 6. After review, and upon satisfied conditions, CJCT will issue a Reserve Level I Certificate to the requesting level I Reserve Deputy.
  - 7. A level I reserve deputy may then, at the discretion of their sponsoring agency, work as a solo deputy car and other law enforcement assignments.
- (c) Level I or II Reserve Deputies are not eligible to apply for peace officer or tribal police officer certification, furthermore, appointment as a Level I or Level II reserve peace officer is not considered continuous employment for the purposes set forth in RCW 43.101.095 and 43.101.157.
- (d) A certificate of attendance may be issued to those who successfully complete the basic reserve law enforcement academy, but who are not appointed as a reserve peace officer by a general authority Washington law enforcement agency as defined under RCW 10.93.020(1).
- (e) Nothing in these sections shall prevent a level I reserve peace deputy from being armed off duty as an individual citizen in lawful possession of a concealed pistol license.

## *Reserve Deputies*

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### **325.2.1 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.

Required monthly minimum hours of service will be calculated monthly. The WWSO recognizes that in some circumstances Reserve Deputies may not be able to get all of their required service hours completed within one month. In extenuating circumstances, Reserve Deputies may request to have their minimum monthly hours calculated utilizing a three-month average. Such a request should be made in writing and submitted to the Chief Criminal Deputy. The Sheriff has the sole responsibility and authority of approving such a request. If such a request is accepted, this quarterly average allows a Reserve Deputy to combine hours worked within any three-month period to achieve the monthly minimum hours. These requests shall be considered on a case by case basis.

### **325.2.2 RESERVE DEPUTIES ASSIGNMENTS**

All reserve deputies will be assigned to duties by the Chief Criminal Deputy or his/her designee.

### **325.2.3 RESERVE COORDINATOR**

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator should be a Supervisor or Chief Deputy and 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.

## **325.4 FIELD TRAINING FOR RESERVE DEPUTIES**

### **325.4.1 TRAINING OFFICERS**

Full-time Deputies of this department who demonstrate a desire and ability to train reserve deputies, may train reserve deputies, subject to the Reserve Coordinator's approval.

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#### **325.4.2 FIELD TRAINING MANUAL**

Each new Level I and II reserve deputy will be issued a Field Training Manual at the beginning of his/her Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Walla Walla County Sheriff's Office. The reserve deputy shall become knowledgeable of the subject matter and skills as outlined. He/she shall also become proficient with those skills as set forth in the manual.

#### **325.4.3 RESERVE FIELD TRAINING PHASE**

The Training Phase for entry Level II reserve deputies shall be a minimum of 640 hours. WWSO field training for lateral Level I & Level II reserve deputies shall be a minimum of 180 hours.

The Reserve Coordinator will monitor each reserve deputy's progress throughout the Training Phase. At the completion of the Training Phase, the Reserve Coordinator will review all training documentation and meet with the reserve deputy's training officers. The purpose of these meetings is to discuss the progress of the reserve deputy in training and to determine whether additional field training is needed. Upon completion of this review, the Reserve Coordinator will meet with the Sheriff and determine the proper course of action.

#### **325.4.4 COMPLETION OF THE FORMAL FIELD TRAINING PHASE**

When the Sheriff and Reserve Coordinator have determined that a reserve deputy has satisfactorily completed the formal field training phase, he/she will have had a minimum of 640 hours for entry level, or a minimum of 180 hours for lateral reserves, of on-duty training. The Reserve Deputy will receive a memo from the Reserve Coordinator stating that they will no longer be required to ride with a training officer. The reserve deputy may now be assigned to ride with any full-time deputy or Level I reserve deputy.

At this time, the reserve deputy, at their discretion, may submit a memo to the Reserve Coordinator requesting that they receive solo status. The Reserve Coordinator, with concurrence from the Sheriff, will then notify the reserve deputy with their reserve deputy level and status.

#### **325.4.5 IN-SERVICE TRAINING**

All Level I and Level II reserve deputies will successfully complete an annual in-service training program of no less than 24 hours, which shall begin on Jan. 1 of the calendar year following appointment (WAC 139-05-300). All Level I and Level I reserve deputies are required to attend each WWSO in-service training and qualifications.

#### **325.5 SUPERVISION OF RESERVE DEPUTIES**

Level II reserve deputies shall be assigned to and under the immediate supervision of a regular sworn deputy, or when off training may also be assigned to and under the immediate supervision of a Level I reserve deputy.

All reserve deputies when on-duty shall be under the supervision on the on-duty supervisor of the assignment which they are working.

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### *Reserve Deputies*

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#### 325.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve deputies may, with prior authorization of the Reserve Coordinator and on approval of the Chief Deputy, be relieved of the immediate supervision requirement. In the absence of the Reserve Coordinator and the Chief Deputy, the Shift Supervisor may assign any reserve deputy to function without immediate supervision for specific exigent purposes and duration.

#### 325.5.2 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 to be considered an excused absence.

#### 325.5.3 IDENTIFICATION OF RESERVE DEPUTIES

All Level I and Level II reserve deputies will be issued a uniform badge and a Walla Walla County Sheriff's Office 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 Deputy" will be indicated on the front of the ID card and the appropriate reserve deputy language will be indicated on back of the ID card. Upon completion of field training, a reserve deputy may be authorized to personally purchase a uniform badge and a flat wallet badge at the discretion of the Sheriff.

#### 325.5.4 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of this department.

#### 325.5.5 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 or other assigned investigator at the discretion of the Sheriff.

Reserve deputies are considered at-will volunteers, with the exception that any determined right to a hearing is limited to a hearing for the purpose of and 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.

#### 325.5.6 RESERVE DEPUTY EVALUATIONS

While in training Reserve Deputies will be continuously evaluated using standardized observation reports. The Reserve Deputy will be considered a trainee until all the training phases and training items have been completed and signed off. Reserve Deputies who have completed their field training will be evaluated annually by January 31 of each year by the Reserve Coordinator or designee using performance dimensions applicable to the duties and authorities granted to that Reserve Deputy.

The Chief Criminal Deputy is responsible for ensuring that all Reserve Deputy ratings/performance evaluations are completed in a competent and timely manner.

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### **325.6 FIREARMS REQUIREMENTS**

#### **325.6.1 CARRYING A WEAPON**

It is the policy of this agency to allow Level I and Level II Reserve Deputies to carry firearms at all times while on and off-duty and in a manner consistent with regular full-time deputies, and state and federal laws.

#### **325.6.2 RESERVE DEPUTY FIREARM TRAINING**

All Level I and Level II 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.

### **325.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

This plan shall be forwarded to command staff for approval. Once approved, the Reserve Coordinator shall ensure the plan is in place and that all reserve deputies are aware of call-out procedures.

### **325.8 TERMINATION OF RESERVE DEPUTY**

If a reserve deputy is terminated for any reason, including resignation, the Walla Walla County Sheriff's Office shall notify the CJTC on a CJTC personnel action form within 15 days of the termination (WAC 139-05-810).

### **325.9 BASIC LAW ENFORCEMENT CURRICULUM FOR RESERVE DEPUTIES (WAC 139-05-250)**

The basic law enforcement and reserve academy curriculum of the commission may include, but not be limited to, the following core subject areas with common threads of communications, community policing, and professional ethics throughout (WAC 139-05-250):

- (a) Orientation and history of policing
- (b) Criminal law
- (c) Criminal procedures
- (d) Patrol procedures
- (e) Crisis intervention
- (f) Emergency vehicle operation course
- (g) Report writing
- (h) Traffic law
- (i) Firearms
- (j) Defensive tactics

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- (k) Criminal Investigation

### **325.10 REQUIREMENTS OF BASIC LAW ENFORCEMENT TRAINING FOR GENERAL AUTHORITY PEACE OFFICERS (WAC 139-05-200)**

- (a) A peace officer or tribal police officer whose certification, commission, and/or licensing has been revoked, sanctioned, suspended, or is under review by this state or any other state or territory is not eligible for a basic law enforcement academy certificate, regardless of the officer's prior years of law enforcement service.
- (b) All fully commissioned law enforcement officers of a city, county, or political subdivision of the state of Washington and officers of the Washington state patrol unless otherwise exempted by the commission must, as a condition of continued employment, successfully complete a basic law enforcement academy or an equivalent basic academy sponsored or conducted by the commission. Basic law enforcement training must be commenced within the initial six-month period of law enforcement employment, unless otherwise extended by the commission.
- (c) Law enforcement personnel exempted from the requirement of subsection (1) of this section include:
  - 1. Individuals holding the office of sheriff of any county on September 1, 1979; and
  - 2. Commissioned personnel:
    - (a) Whose initial date of full-time, regular and commissioned law enforcement employment within the state of Washington precedes January 1, 1978;
    - (b) Who have received a certificate of completion in accordance with the requirement of subsection (1) of this section, and thereafter have engaged in regular and commissioned law enforcement employment without break or interruption in excess of twenty-four months duration; or
    - (c) Who are employed as tribal police officers in Washington state, natural resource investigators employed by the Washington department of natural resources, special agents employed by the Washington state gambling commission, and liquor enforcement officers employed by the Washington state liquor control board who have received a certificate of successful completion from the basic law enforcement academy or the basic law enforcement equivalency and thereafter engage in regular and commissioned law enforcement employment with that agency without break or interruption in excess of twenty-four months duration.
- (d) Each law enforcement agency of the state of Washington, or any political subdivision thereof, must immediately notify the commission by approved form of each instance where a commissioned officer begins continuing and regular employment with that agency.
- (e) Failure to comply with any of the above requirements of basic law enforcement training will result in notification of noncompliance by the commission to:
  - 1. The individual in noncompliance;

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2. The head of his/her agency; and
3. Any other agency or individual, as determined by the commission.

**325.11 REQUIREMENTS OF BASIC LAW ENFORCEMENT TRAINING FOR LEVEL II RESERVE PEACE OFFICERS (WAC 139-05-810)**

- (a) A peace officer or tribal police officer whose certification, commission, and/or licensing has been revoked, sanctioned, suspended, or is under review by this state or any other state or territory is not eligible for a basic reserve law enforcement academy certificate, regardless of the officer's prior years of law enforcement service.
- (b) "Reserve peace officer" for the purposes of this chapter, means any officer who does not serve as a law enforcement officer of this state on a full-time basis, but who, when called by such agency into active service, is fully commissioned on the same basis as full-time officers to enforce the criminal laws of this state.
- (c) Beginning January 1, 2016, as a condition of continuing employment, volunteering, or otherwise representing a law enforcement agency, all reserve peace officers must be reported to the commission. Upon appointment of a reserve peace officer, the appointing law enforcement agency shall immediately notify the commission on a personnel action report form provided by the commission.
- (d) Upon termination of a reserve peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify the commission on a personnel action report form provided by the commission.
- (e) **Beginning DATE TBD, within the initial six months of hire, unless otherwise extended by the commission, all reserve officers must first attend a basic law enforcement reserve academy as prescribed by the commission.**
- (f) For the purposes of the Washington Mutual Aid Peace Officers Powers Act, specifically RCW 10.93.090, every individual who is commissioned as a specially commissioned reserve peace officer in this state shall obtain a basic reserve certificate as a precondition of the exercise of authority pursuant to such act.
- (g) As a precondition of participating in the reserve basic law enforcement academy, **it is the responsibility of each applying agency to;**
  1. **Ensure the requirements of RCW 43.101.080(19) as described in Chapter 139-07 WAC are met.**
  2. Submit an application for training using a form provided by the Commission.
    - (a) **WAC 139-05-230 (PAT/Statement of Fitness)**
    - (b) **Application for Reserve Officer**
    - (c) **Attestations/Statements from NOH Section 2 & 3**
  3. No individual will be granted reserve academy admission or allowed continued participation if the individual has been convicted of a felony offense, or any misdemeanor or gross misdemeanor crime of dishonesty within the meaning of Evidence Rule 609(a), or domestic violence.



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### **325.12 BASIC RESERVE LAW ENFORCEMENT ACADEMY CERTIFICATE OF EQUIVALENCY (WAC 139-05-825)**

- (a) A peace officer or tribal peace officer whose certification, commission, and/or licensing has been revoked, sanctioned, suspended, or is under review by this state or any other state or territory is not eligible for a basic reserve law enforcement academy certificate of equivalency, regardless of the officer's prior years of law enforcement service.
- (b) A certificate of equivalency for the basic reserve law enforcement academy shall be issued only to applicants who successfully complete the equivalency process as required by the commission. For this purpose, the term "process" shall include all documentation and prerequisites set forth in subsection (8) of this section and successful completion of all knowledge and skills requirements within the basic reserve law enforcement equivalency academy. A certificate of completion of equivalent reserve law enforcement training is recognized in the same manner as the certificate of completion of the basic reserve law enforcement academy. **For this purpose, the term "basic training program" does not include any military or any federal training program not otherwise approved by the commission.**
- (c) Eligibility for participation in the basic reserve law enforcement equivalency process shall be limited to:
  - 1. In-State Lateral Reserve Officer
    - (a) An In-State Lateral Reserve Officer is defined in two ways:
      - 1. As a reserve officer that has already completed the Washington State Basic Law Enforcement Reserve Officer Academy, and is currently working for another sponsoring Washington State Agency, Or;
      - 2. A reserve officer that has already completed the Washington State Basic Law Enforcement Reserve Officer Academy and has a break in service of 12 months or less.
      - 3. **An In-State Lateral Reserve officer can be a level I or Level II and their certification level remains the same at the time of the lateral.**
      - 4. Nothing in this chapter shall restrict sponsoring agencies from imposing agency specific or additional training requirements before allowing a Level 1 certified reserve lateral to work in a level 1 capacity within their agency.
  - 2. Out-of-State Lateral Reserve Officer
    - (a) An Out-of-State Lateral Reserve Officer is defined as any reserve officer who has successfully completed a Basic Law Enforcement Reserve Officer Academy from another state, and;
      - 1. The state where the training academy occurred is listed on the most recent reciprocity agreement maintained by the Washington State Criminal Justice Training Commission.

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### *Reserve Deputies*

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2. Has a break in service of 12 months or less
3. Has worked as a reserve officer for a minimum of 3 years
- (b) **All out of state lateral Reserve Officers will begin as a Level II.**
  1. All out of state lateral Reserve Officer shall enroll in and successfully complete the Basic Law Enforcement Reserve Equivalency process as defined in WAC 139-05-825 within 6 months of their hire date and comply with RCW 43.101.080(19)
  2. After successful complete of the Reserve Equivalency process, and the sponsoring agency's field training program with a certified training officer, the reserve may petition their agency for Level I certification.
  3. An out of state reserve lateral with less than three years of prior Reserve officer experience, shall complete, in addition to the requirements in section 15(b)(i) above, a minimum of 200 hours as a Level II Reserve Officer under the direct supervision of a training officer.
3. In-State Certified Peace Officer or Tribal Officer to Reserve Officer
  - (a) An In-State Certified Peace officer or Tribal Officer to Reserve Officer status is defined as a fully commissioned, general authority peace officer or Tribal Officer, who seeks classification as a Reserve Officer. This can occur in several ways but not limited to the following;
    1. **Fully Commissioned Peace Officer or Tribal Officer leaving the full time position but wishing to remain as a reserve police officer with same agency, can be issued a direct certificate to a Reserve Officer Level I.**
      - (a) **Can be issued immediately, with no additional reserve training required, if;**
        - (a) **Remaining with the same department, Or**
        - (b) **Moving to another department – Must complete Notice of Hire form.**
        - (c) **A break in service of 24 months or less, or**
      2. **Fully commissioned Peace Officer working for one department and another department as a reserve officer.**
        - (a) **Agency hiring the Fully Commissioned Peace Officer must submit a Notice of Hire form**
      3. **Out-of-State Certified Peace Officer to Reserve Officer**
        - (a) **An Out-of-State Certified Peace Officer to Reserve Officer is defined as any out of state fully certified general authority peace officer that is wanting to become a**

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**Reserve officer in a Washington State law enforcement agency.**

(b) **Must participate in the Basic Law Enforcement Reserve Officer Equivalency Process as defined in WAC 139-05-825**

(c) **May request Level I Reserve officer certification upon successful completion of the Equivalency Process, with a Level I application at the discretion of the sponsoring agency.**

**4. Maintaining classification as a level I or II Reserve Law Enforcement Officer**

(a) **In addition to any requirements imposed by the local sponsor agency, Each Reserve Law Enforcement Officer shall be subject to the Certification requirements of RCW'S 43.101.095, 43.101.105 AND 43.101.115.**

(b) **Level I and Level II Reserve Officers are also subject to the in-service training requirements outlined in WAC 139-05-300 and these hours are inclusive of the required 640 hours.**

(d) The decision to request an officer's participation within the equivalency process shall be discretionary with the head of the officer's employing agency. It shall be the responsibility of the applicant's agency to ensure that all necessary forms and documentation are completed and submitted to the commission in a timely manner.

(e) Upon appointment of a reserve peace officer, the appointing law enforcement agency shall immediately notify the commission on a personnel action report form provided by the commission.

(f) Upon termination of a reserve peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify the commission on a personnel action report form provided by the commission.

(g) For the purposes of the Washington Mutual Aid Peace Officers Powers Act, chapter 10.93 RCW, every individual who is commissioned as a specially commissioned reserve peace officer in this state will obtain a basic reserve certificate as a precondition of the exercise of authority pursuant to such act.

(h) Upon approval of an applicant's eligibility to participate in the equivalency process, the applicant's employing agency must submit to the commission the following documentation as a precondition of participation within such process:

1. A copy of the applicant's certificate of successful completion of an approved basic reserve academy or program and/or a copy of the applicant's peace officer certification certificate;
2. Proof the applicant has successfully completed the requirements set forth in RCW 43.101.080(19);

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3. A record showing the applicant has met the firearms training as set forth by the commission;
  4. A record showing the applicant has met the defensive tactics training as set forth by the commission; and
  5. A record showing the applicant has met the emergency vehicle operations training as set forth by the commission.
- (i) Upon completion of the equivalency process and review and evaluation of the applicant's performance, the commission will issue a certificate of completion of equivalent basic reserve law enforcement training.
  - (j) Reserve officers are not eligible to apply for peace officer or tribal police officer certification, furthermore, employment as a specially commissioned peace officer/ reserve officer is not considered continuous full-time employment for the purposes set forth in RCW 43.101.095 and 43.101.157.

## Outside Agency Assistance

### 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

### 326.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

### 326.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Supervisor for approval. In some instances, a mutual aid agreement or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Deputies may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance to another facility other than the Walla Walla County Jail or local law enforcement agency within Walla Walla County is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor. At a minimum, the transportation assistance shall be noted within the supervisor's Daily Activities Report.

#### 326.3.1 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Walla Walla County Sheriff's Office shall notify his/her supervisor or the Shift Supervisor and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

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### **326.4 REQUESTING OUTSIDE ASSISTANCE**

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

### **326.5 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall at a minimum be documented in the supervisor's Daily Activities Report, or as directed by the Shift Supervisor.

### **326.6 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Chief Civil Deputy or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
  - 1. The use of the supplies and equipment.
  - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Chief Civil Deputy to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Chief Civil Deputy should maintain documentation that the appropriate members have received the required training.

## Registered Offender Information

### 327.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Walla Walla County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered offenders.

### 327.2 POLICY

It is the policy of the Walla Walla 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.

### 327.3 REGISTRATION

The Detective Bureau 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 investigator 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. The Washington Association of Sheriffs and Police Chiefs (WASPC) shall be provided any requested information for the administration of the Sex Offender Information website (RCW 4.24.550).

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.

#### 327.3.1 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

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- Social Security number
- Biological sample if one has not already been submitted to the WSP (see the Biological Samples Policy for collection protocol) (RCW 43.43.754)

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 member shall take photographs and fingerprints, which may include palmprints, of all sex/kidnapping offenders.

### **327.3.2 CONTENTS OF REGISTRATION FOR FELONY FIREARM OFFENDERS**

Felony firearm offenders who are required to register must appear in person and provide the following (RCW 9A.41.330; RCW 9A.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 member may take photographs and fingerprints of the felony firearm offender.

### **327.4 MONITORING OF REGISTERED OFFENDERS**

The Detective Bureau 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, drive-by of the declared residence or address verification under RCW 9A.44.135.
  1. When notice is received that a sex offender is moving outside the jurisdiction of the Walla Walla County Sheriff's Office, the Detective Bureau supervisor is responsible for address verification until the registrant completes registration with a new residential address (RCW 9A.44.130(5)).
- (b) Review of information on the WASPC Sex Offender Information 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 WASPC.



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The Detective Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Walla Walla County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

#### **327.4.1 OFFENDERS TRAVELING OUT OF THE COUNTRY**

When written notice is received from a registrant who intends to travel outside of the United States, the Sheriff shall notify the United States Marshals Service as soon as practicable after receipt of notification and also of any further notice of changes or cancellation of travel plans (RCW 9A.44.130(3)).

#### **327.5 DISSEMINATION OF PUBLIC INFORMATION**

Members will not unilaterally make a public notification advising the community of a particular sex/kidnapping registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a sex/kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, 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 website or the Walla Walla County Sheriff's Office's website.

The Records Clerk 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 42.56.001 et seq.).

Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

#### **327.5.1 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 Walla Walla County Sheriff's Office has no authority to direct where an offender may live.

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### 327.5.2 MANDATORY NOTIFICATION

The Operations Chief Deputy 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 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 website (RCW 4.24.550(5)).

### 327.5.3 DISCRETIONARY DISSEMINATION FOR SEX OFFENDERS

Dissemination should be predicated upon the levels detailed below (RCW 4.24.550(3)):

- (a) Offenders classified as Risk Level I: The Office 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, and to any individual who requests information regarding a specific offender.
- (b) Offenders classified as Risk Level II: In addition to the dissemination for Level I, the Office 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 Office 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 Office may also disclose relevant, necessary and accurate information to the public at large for sex offenders registered as homeless or transient.

### 327.5.4 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

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- Crime for which the person have been convicted
- Date and place of conviction
- Aliases
- Social Security number
- Photograph
- Risk level classification

### **327.6 SEX OFFENDER RISK ASSESSMENT**

The Operations Chief Deputy shall establish a procedure to review and assign an initial risk level classification of sex offenders who have moved or are released into this jurisdiction and the risk assessment level has not already been assigned by the Washington Department of Corrections. That procedure shall address (RCW 4.24.550(6)):

- The circumstances under which the Walla Walla County Sheriff's Office is authorized to assign its own risk level.
- Risk level classification criteria.
- What risk assessment tools may be used and how such tools are scored.
- Assessment of known aggravating or mitigating factors related to the risk posed by the offender to the community.
- Notification process following a change in the risk level classification.
- The process for an offender to petition for review of the risk level classification.

# Major Incident Notification

## 328.1 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.

## 328.2 POLICY

The Walla Walla County Sheriff's Office recognizes that certain incidents should be brought to the attention of the Sheriff, Command Staff Officer(s), and/or supervisors of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

## 328.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the county, the public, and/or the media may show an interest are also of interest to the Sheriff and the on-call Command Duty Officer (CDO). The following list of incident types is provided as a guide for timely notification to the on-call Command Duty Officer and is not intended to be all-inclusive:

- Homicides.
- Traffic collisions with fatalities.
- Officer-involved shooting (OIS) on- or off-duty (See the Officer-Involved Shootings and Deaths Policy for special notifications).
- Significant injury or death to employee on- or off-duty.
- Death of a prominent Walla Walla area official.
- Arrest of Department employee or prominent Walla Walla area official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.

## 328.4 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor is responsible for making the appropriate notifications to the on-call Command Duty Officer. 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 calling the work cell phone number first and then any additional contact numbers supplied.

### 328.4.1 COMMAND STAFF NOTIFICATION

In the event an incident occurs described in MINIMUM CRITERIA FOR NOTIFICATION, the on-call Command Duty Officer (CDO) shall be notified. The CDO shall then notify the Sheriff as appropriate.

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### 328.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the on-call Command Duty Officer shall be contacted, who will then contact the appropriate detective.

### 328.4.3 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer should be notified by the Sheriff or on-call Command Duty Officer when it appears the public and/or media may have a significant interest in the incident.

## Death Investigation

### 329.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural cause to accidental/unintended 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.

### 329.2 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.

#### 329.2.1 CORONER JURISDICTION OVER REMAINS

The coroner 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 coroner's autopsy or post mortem or coroner'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 a jail or prison.
- (n) Where a body is found dead or is not claimed by relatives or friends.

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The body or human remains shall not be disturbed or moved from the position or place of death without permission of the coroner (RCW 68.50.050).

#### 329.2.2 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person should be made, in person, by the deputy assigned to the incident or a deputy assigned by a supervisor. The use of a WWSO or department-approved Chaplain is encouraged. If the next-of-kin lives outside of Walla Walla County, upon coordination with the Coroner's Office, a law enforcement official from that jurisdiction shall be requested to make the personal notification. The Coroner needs to know if notification has been made. Assigned detectives or the investigating deputy may also need to talk to the next-of-kin.

#### 329.2.3 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

#### 329.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be properly investigated and documented in a written report.

#### 329.2.5 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the on-call Command Duty Officer shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

# Identity Theft

## 330.1 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.

## 330.2 REPORTING

This department 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 ensure that the complainant receives a copy of the incident report (RCW 9.35.050).

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 detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.



## Limited English Proficiency Services

### 331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 331.1.1 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 Walla Walla 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).

### 331.2 POLICY

It is the policy of the Walla Walla 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.

### 331.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Chief Deputy or the authorized designee.

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

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- (a) Coordinating and implementing all aspects of the Walla Walla 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 Supervisor 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.

#### **331.4 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:

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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.

### **331.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Walla Walla 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.

### **331.6 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.

### **331.7 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.

### **331.8 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.

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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.

### **331.9 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.

#### **331.9.1 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.

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### **331.9.2 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.

### **331.10 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.

### **331.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Walla Walla County Sheriff's Office will take reasonable steps and will work with the Personnel Unit to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

#### **331.11.1 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 Dispatch, 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.

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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.

#### **331.12 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.

#### **331.13 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.

### *Limited English Proficiency Services*

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#### **331.14 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.

#### **331.15 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.

#### **331.16 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.

#### **331.17 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.

#### **331.18 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.

### *Limited English Proficiency Services*

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The Chief Deputy 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 Chief Deputy 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.

#### **331.18.1 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 Chief Deputy shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.



# Communications with Persons with Disabilities

## 332.1 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.

### 332.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should be certified pursuant to RCW 2.42.110.

## 332.2 POLICY

It is the policy of the Walla Walla 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.

## 332.3 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 Operations Chief Deputy 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 Walla Walla 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.

## *Communications with Persons with Disabilities*

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Supervisor 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.

### **332.4 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.

## *Communications with Persons with Disabilities*

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### **332.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

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 Walla Walla 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.

### **332.6 TYPES OF ASSISTANCE AVAILABLE**

Walla Walla 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.

## *Communications with Persons with Disabilities*

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Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

### **332.7 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.

### **332.8 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).

### **332.9 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).

## *Communications with Persons with Disabilities*

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Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

### **332.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

### **332.11 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.

### **332.12 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.

## *Communications with Persons with Disabilities*

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### **332.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

#### **332.13.1 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.

### **332.14 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

### *Communications with Persons with Disabilities*

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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.

#### **332.15 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.

#### **332.16 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.

#### **332.17 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.

## *Communications with Persons with Disabilities*

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### **332.18 TRAINING**

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Chief Deputy 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 Chief Deputy 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.

#### **332.18.1 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 Dispatch 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.



# Chaplains

## 333.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Walla Walla County Sheriff's Office chaplains to provide counseling or emotional support to members of the Department, their families and members of the public (RCW 41.22.030; RCW 41.22.040).

## 333.2 POLICY

The Walla Walla County Sheriff's Office shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

## 333.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

## 333.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Walla Walla County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment background investigation as department personnel before appointment.

### 333.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and 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. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

## *Chaplains*

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### **333.4.2 SELECTION AND APPOINTMENT**

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Sheriff and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Sheriff.

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain 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 the authorized designee.

### **333.5 IDENTIFICATION AND UNIFORMS**

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and any necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by deputies and may include the inclusion of "Chaplain" on the uniform and may reflect the religious affiliation of that specific chaplain.

Chaplains will be issued Walla Walla County Sheriff's Office identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Walla Walla County Sheriff's Office identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

### **333.6 CHAPLAIN COORDINATOR**

The Sheriff shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administrative Services Chief Deputy or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Sheriff. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the chaplain coordinator and/or Shift Supervisor.

## *Chaplains*

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The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

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

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

### **333.7 DUTIES AND RESPONSIBILITIES**

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Walla Walla County Sheriff's Office.

#### **333.7.1 COMPLIANCE**

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

## Chaplains

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### 333.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains should generally be scheduled to be on-call for a period of seven consecutive days during each month, beginning on a Monday morning at 0600 hours and ending on the following Monday at 0600 hours.
- (b) At the end of each chaplain's shift, the chaplain will complete a chaplain shift report and submit it to the Sheriff or the authorized designee.
- (c) Chaplains shall be permitted to ride with deputies during any shift and observe Walla Walla County Sheriff's Office operations, provided the Shift Supervisor has been notified and has approved the activity.
- (d) Chaplains shall not be evaluators of members of the Department.
- (e) In responding to incidents, a chaplain shall never function as a deputy.
- (f) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (g) Chaplains shall serve only within the jurisdiction of the Walla Walla County Sheriff's Office unless otherwise authorized by the Sheriff or the authorized designee.
- (h) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

### 333.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol addiction or abuse, and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

### 333.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances, and any other incident that in the judgment of the Shift Supervisor in accomplishing the mission of the Department.

## *Chaplains*

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- (c) Responding to all major disasters, such as natural disasters, fires, bombings, and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies, and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Participating with WWSO CISM peer counselors.
- (h) Willingness to train others to enhance the effectiveness of the Department.

### **333.7.5 ASSISTING THE COMMUNITY**

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

### **333.7.6 CHAPLAIN MEETINGS**

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

### **333.8 PRIVILEGED COMMUNICATIONS**

No person who provides chaplain services to members of the Department may work or volunteer for the Walla Walla County Sheriff's Office in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Walla Walla County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

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### **333.9 TRAINING**

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Chief Deputy, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Deputy injury or death
- Sensitivity and diversity
- CISM peer counseling

## Child and Dependent Adult Safety

### 334.1 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. Those situations are covered in the Child Abuse and Adult Abuse policies.

### 334.2 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 Walla Walla 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, including call-out availability and follow-up responsibilities.

### 334.3 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.

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### 334.3.1 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. Deputies should consider allowing the person to use his/her work issued cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) 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.
  - 1. 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.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the Department of Social and Health Services, if appropriate.
- (e) Notify the Shift Supervisor 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).

### 334.3.2 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



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child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

### **334.3.3 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. Special needs (e.g., medical, mental health)
  - 5. How, where and with whom or which agency the child was placed
  - 6. Identities and contact information for other potential caregivers
  - 7. Notifications made to other adults (e.g., schools, relatives)
- (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

### **334.3.4 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.

### **334.4 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 contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

### *Child and Dependent Adult Safety*

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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.

#### **334.5 TRAINING**

The Chief Deputy 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

### 335.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Walla Walla 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.

### 335.2 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).

#### 335.2.1 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.

### 335.3 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 Walla Walla County Sheriff's Office affords to all members of the public.

### *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

## 336.1 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.

### 336.1.1 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 unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

## 336.2 VOLUNTEER MANAGEMENT

### 336.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator, for volunteers other than reserve deputies, shall be the Chief Civil Deputy. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator 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.

## *Volunteer Program*

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- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

### 336.2.2 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.

### 336.2.3 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.
- (b) Employment.
- (c) References.
- (d) Credit check.

A polygraph exam may be required of each applicant depending on the type of assignment.

### 336.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

## *Volunteer Program*

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### 336.2.5 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.

### 336.2.6 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.

### 336.2.7 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 and logo'd attire authorized for volunteers should be readily distinguishable from those worn by sworn deputies. The uniform, logo'd attire, or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear logo'd attire while in transit to or from official department assignments or functions, provided an outer garment is worn over the logo'd attire so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

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### **336.3 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.

### **336.4 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.

### **336.5 PROPERTY AND EQUIPMENT**

Volunteers will be issued an identification card that must be worn at all times while on-duty.

Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.



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### 336.5.1 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 shall not operate a marked patrol car.

### 336.5.2 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.

## **336.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Sheriff. 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.

### 336.6.1 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.

## **336.7 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.

# Walla Walla County Sheriff's Office

## Policy Manual

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## Off-Duty Law Enforcement Actions

### 337.1 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 Walla Walla County Sheriff's Office with respect to taking law enforcement action while off-duty.

### 337.2 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.

### 337.3 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 (or authorized personally purchased) badge and WWSO identification card.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need or desire 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.

### 337.4 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.

## *Off-Duty Law Enforcement Actions*

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- (b) The lack of immediate back-up and/or the anticipated reasonable response time of on-duty responding units.
- (c) The lack of equipment, such as handcuffs, body armor, 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.

### **337.4.1 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 a sheriff's deputy until acknowledged. Official identification should also be displayed.

### **337.4.2 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.

### **337.4.3 CIVILIAN RESPONSIBILITIES**

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

### **337.4.4 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.

## **337.5 REPORTING**

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Supervisor as soon as practicable. The Shift Supervisor shall determine whether the on-call Command Duty Officer should be notified and 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.

# Walla Walla County Sheriff's Office

## Policy Manual

### *Off-Duty Law Enforcement Actions*

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## Department Use of Social Media

### 338.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the WWSO vision, mission, and core values.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

#### 338.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

### 338.2 POLICY

The Walla Walla County Sheriff's Office may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

### 338.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by the Sheriff or authorized designee.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

### 338.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

## *Department Use of Social Media*

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Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

### **338.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

### **338.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Walla Walla County Sheriff's Office or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

### **338.5.1 PUBLIC POSTING PROHIBITED**

Department social media sites shall be designed and maintained to prevent posting of content by the public; however systems may be allowed for the public to comment on Department posts.

## *Department Use of Social Media*

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The Department may also provide a method for members of the public to contact department members directly.

The Department reserves the right to remove any inappropriate posts or comments.

### **338.6 MONITORING CONTENT**

The Sheriff will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

### **338.7 RETENTION OF RECORDS**

The Chief Civil Deputy should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

### **338.8 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.



# Native American Graves Protection and Repatriation

## 339.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

### 339.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

**Funerary objects and associated funerary objects** - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

**Native American human remains** - The physical remains of the body of a person of Native American ancestry.

**Objects of cultural patrimony** - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

## 339.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

## 339.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

## *Native American Graves Protection and Repatriation*

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Coroner (RCW 68.50.645)
- Tribal land - Responsible Indian tribal official

### **339.4 EVIDENCE AND PROPERTY**

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

## Extreme Risk Protection Orders

### 340.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving extreme risk protection orders and accounting for the firearms obtained pursuant to those orders (RCW 7.94.010 et seq.).

#### 340.1.1 DEFINITIONS

Definitions related to this policy include:

**Extreme risk protection order** – An order prohibiting a named person from controlling, owning, purchasing, possessing, receiving or otherwise having custody of any firearms.

**Ex parte extreme risk protection order** – An extreme risk protection order that has been issued in the absence of or without notification to the named person.

### 340.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to petition for and serve extreme risk protection orders in compliance with state law and to properly account for firearms obtained by the agency pursuant to such orders.

### 340.3 EXTREME RISK PROTECTION ORDERS

A deputy who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for an extreme risk protection order (RCW 7.94.030).

Deputies petitioning the court shall use any standard petition and order forms created by the administrative office of the court (RCW 7.94.030; RCW 7.94.150).

The petition shall (RCW 7.94.030):

- (a) Allege that the person poses a significant danger of causing personal injury to him/herself or others by controlling, owning, purchasing, possessing, receiving or otherwise having custody of a firearm and be accompanied by an affidavit, made under oath, that provides the specific statements, actions or facts that give rise to a reasonable fear of future dangerous acts by the person.
- (b) Identify the number, types and locations of any firearms that the deputy believes to be owned, possessed, controlled or in the custody of the person.
- (c) Identify any other known existing protection orders governing the person.
- (d) Identify, if reasonably identifiable, any pending lawsuits, complaints, petitions or other action between the person and the Walla Walla County Sheriff's Office.
- (e) Include an attestation that the deputy provided notice of the intent to seek the order to a family or household member of the person and to any third party who the deputy

## *Extreme Risk Protection Orders*

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reasonably believes may be at risk of violence, or an attestation to the steps that will be taken to provide this notice.

A deputy may also seek an ex parte extreme risk protection order, without notice to the person, by including in the petition detailed allegations based on personal knowledge that the person poses a significant danger of causing personal injury to him/herself or others in the near future by having in his/her custody or control, purchasing, possessing or receiving a firearm (RCW 7.94.050).

### **340.3.1 NOTICE OF PETITION**

When a member of the Walla Walla County Sheriff's Office petitions for an extreme risk protection order, he/she shall make a good faith effort to provide notice to a family or household member of the person and to any third party who the member reasonably believes may be at risk of violence. The notice shall state the intention to seek an extreme risk protection order or that the order has already been sought and include referrals to appropriate resources, including mental health, domestic violence and counseling (RCW 7.94.030).

### **340.4 SERVICE**

Service of notice of hearing and petitions, ex parte extreme risk protection orders and extreme risk protection orders should take precedence over the service of other documents, unless the other documents are of a similar emergency nature (RCW 7.94.040; RCW 7.94.060).

Deputies serving a notice of hearing and petition for an extreme risk protection order should make reasonable efforts to personally serve the person no less than five court days prior to the hearing. If an ex parte extreme risk protection order was issued, then the order, notice of hearing and the petition are served together (RCW 7.94.040; RCW 7.94.050).

Deputies assigned to serve an extreme risk protection order should make reasonable efforts to personally serve the order not more than 10 days after the Walla Walla County Sheriff's Office received the order (RCW 7.94.060).

When timely personal service is not completed, the deputy should notify the court and take reasonable steps to notify the petitioner (RCW 7.94.040; RCW 7.94.060).

The deputy serving any extreme risk protection order, including an ex parte order, shall (RCW 7.94.090):

- (a) Request that any firearms and any concealed pistol license be immediately surrendered and issue a receipt for the surrendered items.
  - 1. The deputy should ensure the original receipt is forwarded to the Records Clerk.
- (b) Take into custody any firearms discovered in plain view or pursuant to consent or other lawful search.
- (c) As soon as practicable, but by the end of his/her shift, submit the proof of service to the Records Clerk.

All firearms collected shall be handled and booked in accordance with the Property and Evidence Policy.

## *Extreme Risk Protection Orders*

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### **340.5 SEARCH WARRANTS**

If a person who has been served with an extreme risk protection order refuses to surrender any firearm, the deputy should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy.

### **340.6 ADMINISTRATIVE SERVICES DIVISION RESPONSIBILITIES**

The Administrative Services Division is responsible for ensuring that:

- (a) Orders received by the court are entered into the national instant criminal background check system or any other federal or state computer-based system used by the Walla Walla County Sheriff's Office that identifies prohibited purchasers of firearms, and into any other computer-based criminal intelligence information systems used by the agency that lists outstanding warrants (RCW 7.94.110).
- (b) The original receipt of surrendered firearms is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the Walla Walla County Sheriff's Office (RCW 7.94.090).
- (c) Any proofs of service for notices or orders are filed with the court.
- (d) Expired or terminated orders entered into computer based-systems by the Walla Walla County Sheriff's Office are removed (RCW 7.94.110).

### **340.7 COURT-ORDERED FIREARMS SURRENDERS**

Authorized members should accept firearms and a concealed pistol license from any person who is the subject of an extreme risk protection order. The member receiving any firearm shall:

- (a) Record the person's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the person who surrendered the firearms (RCW 7.94.90).
  - 1. The original receipt is to be forward to the Records Clerk.
- (e) Package and submit the firearms in accordance with the Property and Evidence Policy.

### **340.8 RELEASE OF FIREARMS**

Firearms that were taken into custody or surrendered pursuant to an extreme risk protection order should be returned to the restrained person upon the expiration of the order, in accordance with the Property and Evidence Policy (RCW 7.94.100).

### **340.9 RENEWAL OF EXTREME RISK PROTECTION ORDER**

The Detective Bureau supervisor is responsible for review of an extreme risk protection order obtained by the Walla Walla County Sheriff's Office, to determine if renewal should be requested within the time prescribed by law (RCW 7.94.080).

# Community Relations

## 341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

## 341.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to promote positive relationships between office members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

## 341.3 MEMBER RESPONSIBILITIES

Deputies should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Deputies carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

## 341.4 SAFETY AND OTHER CONSIDERATIONS

Office members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

## *Community Relations*

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Office members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

### **341.5 TRAINING**

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

## Credit Card Use

### 342.1 PURPOSE

This policy defines, authorizes and regulates the use of a Walla Walla Sheriff's Office (WWSO) credit card. It establishes procedures for utilizing a WWSO credit card for appropriate expenses while conducting official WWSO business.

### 342.2 CARD ISSUANCE

Currently the WWSO has four credit cards issued to command staff; Sheriff, Undersheriff, Chief Criminal Deputy and Chief Civil Deputy.

- (a) Any WWSO employee or volunteer may request approval to use a WWSO credit card from their divisional Chief Deputy.
- (b) Upon Chief Deputy approval, a credit card may be obtained from the Chief Civil Deputy or Administrative Assistant.
- (c) After use, the card shall be returned to the person from whom you originally checked out the card.

### 342.3 POLICY

- (a) The primary use of a WWSO credit card is for travel.
- (b) With prior approval, the WWSO credit card may be used for purchases of:
  - 1. Equipment
  - 2. Supplies
  - 3. Other appropriate services.
- (c) There will be no cash advances on a WWSO credit card for any reason.
- (d) Meals are not to be charged on a WWSO credit card.
- (e) Walla Walla County travel policies also apply to the use of a WWSO credit card.
- (f) All receipts for items purchased will be turned in at the same time as the card is returned.
  - 1. All receipts and supporting documentation shall be submitted to the Administrative Assistant within five (5) days of the trip or event to properly reconcile against the monthly credit card statement.
  - 2. Documents explaining the official business will be submitted with the receipts, if applicable.
  - 3. All receipts will be signed by the employee.
- (g) Misuse of a WWSO credit card may be subject to disciplinary action and may be subject to civil/criminal prosecution consistent with applicable laws.



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### *Credit Card Use*

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- (h) The employee's divisional Chief Deputy and the Administrative Assistant shall be immediately notified if the WWSO credit card is lost or stolen.

## **Chapter 4 - Patrol Operations**

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Bureau of the Department 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 Walla Walla, 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 Department, 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 Walla Walla 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 Detective Bureau Supervisor 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 Walla Walla County Sheriff's Office.

### *Patrol Function*

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#### **400.2.1 CRIME ANALYSIS UNIT**

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to the Crime Analysis Technician for distribution to all divisions within the Department through daily 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 BULLETIN BOARDS**

A digital bulletin board will be posted for display of suspect information, intelligence reports and photographs. New Special Orders will be made available for patrol supervisors and will be discussed at squad briefings and patrol roll calls. A copy of the Special Order will be placed on the department's shared digital drive for deputy's review.

### **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.

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Walla Walla County Sheriff's Office's commitment to policing that is fair and objective. Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships) (RCW 43.101.410).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

### 401.2 POLICY

The Walla Walla 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 office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

#### 401.3.1 OTHER PROHIBITIONS

The Walla Walla 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 43.101.419).

Additionally, members shall not collect information from a person based on religious belief, practice, or affiliation unless permitted under state law. Members shall not (RCW 42.60.020; RCW 42.60.030):

- (a) Provide or disclose to federal government authorities personally identifiable information about a person's religious belief, practice, or affiliation unless the member is being questioned as a witness to a crime.

## *Bias-Based Policing*

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- (b) Assist federal government authorities in compiling personal information about a person's religious belief, practice, or affiliation.
- (c) Investigate or enforce any requirement that a person register with the federal government or a federal agency based on religion.

### **401.4 MEMBER RESPONSIBILITIES**

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

#### **401.4.1 REASON FOR CONTACT**

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Computer (MDC) data and any other available resource used to document contact between 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 bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

## *Bias-Based Policing*

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### **401.6 STATE REPORTING**

Subject to any fiscal constraints, the Operations Chief Deputy 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)).

### **401.7 ADMINISTRATION**

The Operations Chief Deputy should review the efforts of the Office to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Sheriff. The annual report should not contain any identifying information about 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.

Supervisors should review the annual report submitted to the Washington Association of Chiefs of Police and discuss the results with those they are assigned to supervise.

### **401.8 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Chief Deputy (RCW 43.101.410).

## Roll Call Training

### 402.1 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 Special Orders or changes in Special Orders.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

### 402.2 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.

### 402.3 RETENTION OF ROLL CALL TRAINING RECORDS

Roll Call training materials and a curriculum or summary shall be forwarded to the Chief Deputy for inclusion in training records, as appropriate. When specific pre-planned Roll Call training exceeds one-half (1/2) hour, this training shall be documented via a memorandum by the supervisor for all deputies who received such training, including themselves if applicable. This memorandum shall be forwarded to the Chief Civil Deputy for inclusion in the Deputy's training file and credited towards cumulative annual training hours. A copy of the form will be forwarded by the Chief Civil Deputy to the Support Services Clerk I for entry into the training record.

### 402.4 LENGTH OF ROLL CALL

The amount of time utilized each day for Roll Call is discretionary upon the supervisor; however, absent important circumstances, Roll Calls should not last longer than one (1) hour. Leaving Roll Call early to handle calls will be at the discretion of the supervisor.



# Crime and Disaster Scene Integrity

## 403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

## 403.1 OPERATIONS CHIEF DEPUTY RESPONSIBILITIES

The Operations Chief Deputy is responsible for ensuring procedures are established that are consistent with the Washington State Patrol Crime Laboratory Division Crime Scene Procedures Manual, including, but not limited to:

- (a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.
- (b) Establishing procedures for collecting, processing and preserving physical evidence in the field.
- (c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.
- (d) Establishing procedures for processing, developing, lifting and labeling fingerprints.
- (e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

## 403.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

## 403.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

## 403.4 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) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

## *Crime and Disaster Scene Integrity*

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- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

### **403.5 SEARCHES**

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to 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 additional or alternate authority for the search is obtained, such as consent or a search warrant.

#### **403.5.1 CONSENT**

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

### **403.8 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 (RCW 70.05.070; WAC 246-100-040(2)).

# Crisis Response Unit

## 404.1 PURPOSE AND SCOPE

The Crisis Response Unit (CRU) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. The team consists of members of the WWSO and Walla Walla Police Department.

### 404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The sections of this policy are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational sections serve as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

### 404.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

## 404.2 LEVELS OF CAPABILITY/TRAINING

### 404.2.1 LEVEL I

A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level deputies. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5 percent of the basic team's on-duty time should be devoted to training.

### 404.2.2 LEVEL II

A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5 percent of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

## *Crisis Response Unit*

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### 404.2.3 LEVEL III

A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time unit. Generally 25 percent of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

### **404.3 POLICY**

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control.
- (b) Containment.
- (c) Entry/Apprehension/Rescue.

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

#### 404.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

#### 404.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

## *Crisis Response Unit*

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### 404.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to CRU members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
    - 1. All SWAT team members should have an understanding of operational planning.
    - 2. SWAT team training should consider planning for both spontaneous and planned events.
    - 3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
  - (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
    - 1. When possible, briefings should include the specialized units and supporting resources.
  - (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
  - (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
  - (e) The appropriate role for a trained negotiator.
  - (f) A standard method of determining whether or not a warrant should be regarded as high-risk.
  - (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
  - (h) Post incident scene management including:
    - 1. Documentation of the incident.
    - 2. Transition to investigations and/or other units.
    - 3. Debriefing after every deployment of the SWAT team.
- (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments,

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helps to identify training needs, and reinforces sound risk management practices.

- (b) Such debriefing should not be conducted until involved deputies have had the opportunity to individually complete necessary reports or provide formal statements.
  - (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
  - (d) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis.
  - (j) Standardization of equipment deployed.

### **404.4 TRAINING NEEDS ASSESSMENT**

The SWAT/CRU Commander with assistance of the team supervisor shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities and department policy.

#### **404.4.1 INITIAL TRAINING**

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of a Criminal Justice Training Commission (CJTC) approved Basic SWAT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or standardized training recommendations.

#### **404.4.2 UPDATED TRAINING**

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete Criminal Justice Training Commission (CJTC) approved update or refresher training as required.

#### **404.4.3 SUPERVISION AND MANAGEMENT TRAINING**

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend Criminal Justice Training Commission (CJTC) approved SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a SWAT commander or tactical commander course, or its equivalent.

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### 404.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the CRU Commander. The CRU Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (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 CRU 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 Rangemaster who has been approved by the CRU 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.

### 404.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

### 404.4.6 SCENARIO BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

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### 404.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Command Staff. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

## **404.5 UNIFORMS, EQUIPMENT, AND FIREARMS**

### 404.5.1 UNIFORMS

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

### 404.5.2 EQUIPMENT

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

### 404.5.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

### 404.5.4 OPERATIONAL READINESS INSPECTIONS

The CRU Commander shall appoint a CRU supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the CRU commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the CRU facility and equipment maintained or used in CRU vehicles.

## **404.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT**

The Commander of the CRU shall be selected by the Sheriff upon recommendation of staff.

### 404.6.1 PRIMARY UNIT MANAGER

Under the direction of the Sheriff, through the Operations Chief Deputy, the Crisis Response Unit shall be managed by the Chief Deputy.

### 404.6.2 TEAM SUPERVISORS

The Crisis Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant.

The team supervisors shall be selected by the Sheriff upon specific recommendation by staff and the CRU Commander.

The following represent the supervisor responsibilities for the Crisis Response Unit.

- (a) The Crisis Negotiation Team supervisor's primary responsibility is to supervise the operations of the Crisis Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.



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- (b) The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.

### **404.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The Crisis 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.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

#### **404.7.1 SELECTION OF PERSONNEL**

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Chief Deputy. A copy will be forwarded to the CRU Commander and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the CRU Commander, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. 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.

#### **404.7.2 TRAINING OF NEGOTIATORS**

Those deputies selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Criminal Justice Training Commission (CJTC) prior to primary use in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

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### **404.8 SWAT TEAM ADMINISTRATIVE PROCEDURES**

The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

#### **404.8.1 SELECTION OF PERSONNEL**

Interested sworn personnel who are off probation shall submit a change of assignment request to their appropriate Chief Deputy, a copy of which will be forwarded to the CRU Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the CRU Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun, and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the CRU Commander. Applicants will be evaluated by the following criteria:
  - 1. Recognized competence and ability as evidenced by performance.
  - 2. Demonstrated good judgment and understanding of critical role of SWAT member.
  - 3. Special skills, training, or appropriate education as it pertains to this assignment.
  - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the CRU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun. A minimum qualifying score of 400 out of a possible score of 500 must be attained to qualify.
- (d) Team evaluation: Current team members will evaluate each candidate on his/her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.
- (e) A list of successful applicants shall be submitted to staff, by the CRU Commander, for final selection.

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### 404.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the CRU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

### 404.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the CRU Commander.

#### 404.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Crisis Response Unit is to respond to the scene. Upon final determination by the Shift Supervisor, he/she will notify the CRU Commander.

#### 404.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

#### 404.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Shift Supervisor. Deployment of the Walla Walla County Sheriff's Office Crisis Response Unit in response to requests by other agencies must be authorized by a Chief Deputy.

#### 404.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

## *Crisis Response Unit*

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- (b) Members of the Walla Walla County Sheriff's Office SWAT team shall operate under the policies, procedures and command of the Walla Walla County Sheriff's Office when working in a multi-agency situation.

### 404.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The on-scene supervisor shall make a request to the Shift Supervisor for the Crisis Response Unit. The Shift Supervisor shall then notify the CRU Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Shift Supervisor's office by the CRU Commander. The Shift Supervisor will then notify the Operations Chief Deputy as soon as practical.

The Shift Supervisor should advise the CRU Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of deputies involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The CRU Commander or supervisor shall then call selected deputies to respond.

### 404.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Crisis Response 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 CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

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- (f) Be prepared to brief CRU Commander on situation.
- (g) Plan for, and stage, anticipated resources.

### 404.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the CRU Commander, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU Commander 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 support for the Crisis Response Unit. The Incident Commander and the CRU Commander (or his/her designee) shall maintain communications at all times.

### 404.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-Crisis Response Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his/her designee.

## Ride-Along Policy

### 405.1 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.

#### 405.1.1 ELIGIBILITY

The Walla Walla County Sheriff's Office Ride-Along Program is offered to bona-fide persons interested in a career in law enforcement. This office is unable to provide ride-alongs to all citizens who desire to ride in a sheriff's patrol unit. A bona-fide eligible person is defined as a current college student taking courses or majoring in criminal justice or related field such as public administration, and persons who are a confirmed applicant at this or any other law enforcement agency.

Employees of this office may make special ride-along requests for specific citizens whom they are interested in having ride with a deputy. These requests are to be submitted to a Command Staff Officer and will be reviewed and approved by the Sheriff or their designee on a case by case basis. Family members of deputies may ride upon approval; however they may not ride with the deputy to whom they are related. Every attempt will be made to accommodate interested persons; however any applicant may be denied a ride-along without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Recommended denial by any deputy, supervisor, or Command Staff Officer.

#### 405.1.2 AVAILABILITY

Ride-along dates and times are determined at the discretion of the Chief Criminal Deputy, or other command staff member in his/her absence.

### 405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Ride-along applicants must complete a ride-along request and waiver form. Information requested will include, at a minimum, a valid ID or Washington driver's license, current address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete and sign the Ride-Along Form.

The Chief Civil Deputy will be responsible for processing ride-along requests and background checks.

## *Ride-Along Policy*

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The Chief Criminal Deputy will schedule a date for approved ride-alongs based on availability. If approved, a copy will be forwarded to the respective Shift Supervisor 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.

### **405.2.1 PROGRAM REQUIREMENTS**

Generally, once approved, civilian ride-alongs will be allowed to ride no more than once every six months. Exceptions for citizen ride-alongs may be made with prior approval of the Sheriff or their designee. Walla Walla County Sheriff's Office applicants may ride more frequently upon prior approval of the Sheriff or their designee.

An effort will be made to ensure that not more than one citizen will participate in a ride-along during any given shift. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

### **405.2.2 SUITABLE ATTIRE**

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks or appropriate long pants, and appropriate shoes. Sandals, T-shirts, tank tops, shorts, and ripped or torn blue jeans are not permitted. Appropriate hats and ball caps may be worn. The Shift Supervisor may refuse a ride-along to anyone not properly dressed.

### **405.2.3 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 Sheriff or a Command Staff Officer. 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.

### **405.3 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, consider all options including letting the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time depending upon circumstances.

The Chief Criminal Deputy is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Chief Criminal Deputy with any comments which may be offered by the deputy.

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### **405.4 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 should follow directions from other law enforcement officers.
- (c) The ride-along will not become involved in any call for service, investigation, handling of evidence, discussions with victims or suspects, or handling any sheriff's equipment.
- (d) The Deputy 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.
- (e) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (f) 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.
- (g) 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.



# Hazardous Material Response

## 406.1 PURPOSE AND SCOPE

Exposure to hazardous materials present potential harm to members of the Walla Walla County Sheriff's Office and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

### 406.1.1 DEFINITIONS

Definitions related to this policy include:

**Hazardous material** - A substance which, by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

## 406.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

## 406.3 REPORTING EXPOSURE

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Sheriff. 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 memorandum.

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.

### 406.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

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### *Hazardous Material Response*

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To ensure the safety of members, PPE is available from supervisors. PPE items not maintained by the Walla Walla County Sheriff's Office may be available through the appropriate fire department or emergency response team.

#### **406.4 POLICY**

It is the policy of the Walla Walla County Sheriff's Office to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

#### **406.5 CONSIDERATIONS**

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify Dispatch, appropriate supervisors, the appropriate fire department and hazardous response units.
  1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (c) Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.
- (d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
  1. Placards or use of an emergency response guidebook.
  2. Driver's manifest or statements or shipping documents from the person transporting the material.
  3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
    - (a) The type of material.
    - (b) How to secure and contain the material.
    - (c) Any other information to protect the safety of those present, the community and the environment.
- (f) Provide first-aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene and prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.

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### *Hazardous Material Response*

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- (i) Establish a decontamination area when needed.
- (j) Activate automated community notification systems, if applicable.
- (k) Dependent upon the substance and other specific conditions, consider initiating an emergency public notification or evacuation. The decision to initiate public notifications and/or evacuations shall be in accordance with the Walla Walla Local Emergency Planning Committee (LEPC) procedures.

## Hostage and Barricade Incidents

### 407.1 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.

#### 407.1.1 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.

### 407.2 POLICY

It is the policy of the Walla Walla 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.

### 407.3 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.

#### 407.3.1 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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### **407.4 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.

#### **407.4.1 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.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

## *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.

### 407.4.2 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.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.

## *Hostage and Barricade Incidents*

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- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

### **407.5 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)
- (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 Dispatch.
- (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 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.

### **407.6 CRISIS RESPONSE UNIT RESPONSIBILITIES**

It will be the Incident Commander's decision, with input from the Crisis Response Unit Commander, whether to deploy the Crisis Response Unit during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the Crisis Response Unit 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 Crisis Response Unit. The Incident Commander and the Crisis Response Unit Commander or the authorized designee shall maintain communications at all times.

## *Hostage and Barricade Incidents*

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### **407.7 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.



## Response to Bomb Calls

### 408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Walla Walla County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such 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 should always be the primary consideration.

### 408.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

### 408.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established office evidence procedures.

The member receiving the bomb threat should ensure that the Shift Supervisor is immediately advised and informed of the details. This will enable the Shift Supervisor to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

### 408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

#### 408.4.1 WALLA WALLA COUNTY SHERIFF'S OFFICE FACILITY

If the bomb threat is against the Walla Walla County Sheriff's Office facility, the Shift Supervisor will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff's department, as he/she deems appropriate.

#### 408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Walla Walla County Sheriff's Office that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Supervisor deems appropriate.

## *Response to Bomb Calls*

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### **408.4.3 FEDERAL BUILDING OR PROPERTY**

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

### **408.5 PRIVATE FACILITY OR PROPERTY**

When a member of this office receives notification of a bomb threat at a location in the County of Walla Walla, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting sheriff's assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  - 1. No evacuation of personnel and no search for a device.
  - 2. Search for a device without evacuation of personnel.
  - 3. Evacuation of personnel without a search for a device.
  - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

#### **408.5.1 ASSISTANCE**

The Shift Supervisor should be notified when sheriff's assistance is requested. The Shift Supervisor will make the decision whether the Office will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including sheriff's control over the facility.

Should the Shift Supervisor determine that the Office will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

## *Response to Bomb Calls*

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- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
  - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
  - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
  - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

### **408.6 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
  - 1. Two-way radios
  - 2. Cell phones
  - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Shift Supervisor including:
  - 1. The time of discovery.

## *Response to Bomb Calls*

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

### **408.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

#### **408.7.1 CONSIDERATIONS**

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

## Emergent Detentions

### 409.1 PURPOSE AND SCOPE

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

### 409.2 POLICY

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

### 409.3 AUTHORITY

A deputy who has reasonable cause to believe that a person is suffering from a mental disorder or a substance abuse 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, secure detoxification facility, approved substance use disorder treatment program, 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 crisis responder designated by the county or other authority who has determined that the person, as the result of a mental disorder or substance abuse disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled (RCW 71.05.153).

A deputy shall take a person who is the subject of a written court order for apprehension issued pursuant to RCW 71.05.201 into initial detention, and transport the person to the designated facility or emergency room as determined by the designated crisis responder (RCW 71.05.201).

#### 409.3.1 VOLUNTARY EVALUATION

If a deputy encounters 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) Arrange for the transport of 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.

### 409.4 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:

## *Emergent Detentions*

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- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade 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.

### **409.5 TRANSPORTATION**

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

Deputies may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Shift Supervisor approval is required before transport commences.

### **409.6 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.

### **409.7 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.

## *Emergent Detentions*

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### **409.8 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 instead be arrested or booked and transported to the appropriate facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this office to regain custody of the individual, office resources (e.g., posting a guard), and other relevant factors in making this decision.

### **409.9 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.

### **409.10 TRAINING**

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

## Citation Releases

### 410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Walla Walla County Sheriff's Office with guidance on when to release adults who are suspected offenders on a citation and notice to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

### 410.2 POLICY

The Walla Walla County Sheriff's Office will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation and notice to appear in court, when authorized to do so.

### 410.3 RELEASE

A suspected offender may be released on issuance of a citation and notice to appear in court by a deputy 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 (Criminal Rules, CrRLJ 2.1(b)(1)).

### 410.4 PROHIBITIONS

The release of a suspected offender on a citation and notice to appear is not permitted when:

- (a) A person has been arrested pursuant to RCW 10.31.100(2) (restraining orders).
- (b) A deputy has probable cause to believe that the person arrested has violated RCW 46.61.502 (DUI) or RCW 46.61.504 (physical control of a vehicle while DUI) or equivalent local ordinance and the deputy has knowledge that the person has a prior offense as defined in RCW 46.61.5055 (alcohol and drug violators) within the last 10 years, or that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense under RCW 46.61.5055 if it were a conviction (RCW 10.31.100; Criminal Rules, CrRLJ 3.2(o)(3)).

See the Domestic Violence Policy for release restrictions related to those investigations.

### 410.5 CONSIDERATIONS

In determining whether to cite and release a person, deputies shall consider whether (Criminal Rules, CrRLJ 2.1(b)(2)):

- (a) The suspected offender has identified him/herself satisfactorily.
- (b) Detention appears reasonably necessary to prevent imminent bodily harm to the suspected offender or another, property damage or breach of the peace.
- (c) The suspected offender has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he/she will refuse to respond to the citation and notice.



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### *Citation Releases*

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- (d) The suspected offender previously has failed to appear in response to a citation and notice issued pursuant to the court rule or to other lawful process.

## Arrest or Detention of Foreign Nationals

### 411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Walla Walla County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

### 411.2 POLICY

The Walla Walla County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

### 411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

### 411.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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### *Arrest or Detention of Foreign Nationals*

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - 4. Honorary consular officers

#### **411.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

#### **411.6 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

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### *Arrest or Detention of Foreign Nationals*

<b>Diplomatic Agent</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Member of Admin and Tech Staff</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Service Staff</b>	Yes (note a)	Yes	Yes	Yes	No for official acts. Yes otherwise (note a).	No immunity or inviolability (note a)
<b>Career Consul Officer</b>	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts. Testimony may not be compelled in any case.	No for official acts. Yes otherwise (note a).	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts. Yes otherwise.	No for official acts. Yes otherwise.	No immunity or inviolability
<b>Consulate Employees</b>	Yes (note a)	Yes	Yes	No for official acts. Yes otherwise.	No for official acts. Yes otherwise (note a).	No immunity or inviolability (note a)
<b>Int'l Org Staff (note b)</b>	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts. Yes otherwise (note c).	No immunity or inviolability
<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official acts. Yes otherwise.	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

## *Arrest or Detention of Foreign Nationals*

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- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

## Rapid Response and Deployment

### 412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies in situations that call for rapid response and deployment.

### 412.2 POLICY

The Walla Walla County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Walla Walla County Sheriff's Office in protecting themselves or others from death or serious injury.

### 412.3 FIRST RESPONSE

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 reduce, prevent or 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.

If a suspect is actively engaged in the infliction, or threatened infliction, of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be made based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel, This does not preclude an individual deputy from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the deputies have the ability to effectively communicate with other personnel or resources.

## *Rapid Response and Deployment*

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- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

### **412.4 CONSIDERATIONS**

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

### **412.5 PLANNING**

The Chief Criminal Deputy should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

## *Rapid Response and Deployment*

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### **412.6 TRAINING**

The Chief Criminal Deputy should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).



# Immigration Violations

## 413.1 PURPOSE AND SCOPE

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

## 413.2 POLICY

It is the policy of the Walla Walla 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.

## 413.3 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.

## 413.4 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.

### 413.4.1 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.

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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.

### **413.4.2 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.

### **413.4.3 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.

### **413.5 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

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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.

### **413.6 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.

### **413.7 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

#### **413.7.1 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.

### **413.8 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 petition must be completed on DHS Form I-918 and must include information on how the individual can assist in a criminal investigation for prosecution. A law enforcement certification for a U visa may only be authorized by the Sheriff.

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 only be authorized by the Sheriff.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Bureau supervisor assigned to oversee the handling of any related case. The Detective Bureau supervisor should first coordinate this effort with the senior records clerk and then:

- (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.

## *Immigration Violations*

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- (c) Determine a recommendation and forward the request to the Sheriff in a timely manner.
  - 1. Review the instructions for completing the certification if necessary.
  - 2. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website at: <http://www.uscis.gov/portal/site/uscis>.
- (d) Ensure that any recommendation and decision to complete, or not complete, a certification or declaration form is documented in both the case file and the senior records clerk visa file. The Detective Sergeant shall ensure that a copy of any authorized permit be included in the case file.

### **413.9 TRAINING**

The Chief Deputy shall ensure that all appropriate members receive immigration training.

## Emergency Utility Service

### 414.1 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 agency should be handled in the following manner.

#### 414.1.1 BROKEN WATER LINES

Walla Walla County does not own, operate, or maintain any water lines. Water lines within the Urban Growth Area (UGA) are maintained by the City of Walla Walla. The City of College Place maintains those water lines within the College Place UGA. The remaining lines throughout the County are owned and maintained by a variety of local water and irrigation districts. The County does maintain maps and contact lists for all of the owners in the rural areas of unincorporated Walla Walla County.

If a water line break occurs, emergency personnel should be called as soon as practical by Dispatch.

#### 414.1.2 ELECTRICAL LINES

County Public Works does not maintain electrical lines to street light poles. These are owned and maintained by local power companies such as Pacific Power and Columbia REA. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The respective power company should be promptly notified, as appropriate. During major events, Public Works is available to assist with traffic control as necessary for power-related outages.

#### 414.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works does not maintain reservoirs or water equipment. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible. The Bennington Lake reservoir is maintained by the Corps of Engineers. The City of Walla Walla and the City of College Place maintain their own, separate, deep wells.

Public Works does own and operate the Mill Creek Flood Control. Any report of apparent blockages in the channel, fallen trees, or damage to the levees or concrete channel walls should require a response by emergency personnel and immediate response from Public Works. Public Works does own and maintain storm drains in the unincorporated County. Any flooding associated with plugged storm drains should require a response from Public Works.

## *Emergency Utility Service*

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### 414.1.4 EMERGENCY NUMBERS

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

### 414.2 TRAFFIC SIGNAL MAINTENANCE

The County of Walla Walla does not own or operate any traffic signals. Depending on the area, traffic signals are maintained by the respective city or the State of Washington.

#### 414.2.1 DEPUTY'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the deputy will advise WESCOMM of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

## Field Training Officer Program

### 415.1 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 Walla Walla 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.

### 415.2 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.

#### 415.2.1 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.

#### 415.2.2 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.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO.

### 415.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Operations Chief Deputy 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.

## *Field Training Officer Program*

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- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor overall FTO Program.
- (g) Maintain liaison with FTO Coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

### **415.4 TRAINEE DEFINED**

Any entry level or lateral sheriff's deputy newly appointed to the Walla Walla County Sheriff's Office who has successfully completed a CJTC approved Basic Academy.

### **415.5 REQUIRED TRAINING**

Entry level deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks.

The training period for 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.

#### **415.5.1 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 Walla Walla 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 Walla Walla County Sheriff's Office.

### **415.6 EVALUATIONS**

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

#### **415.6.1 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 daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.



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- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

### **415.6.2 IMMEDIATE SUPERVISOR**

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

### **415.6.3 FIELD TRAINING ADMINISTRATOR**

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

### **415.6.4 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.

## **415.7 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Daily 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.

## Aircraft Accidents

### 416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Walla Walla County Sheriff's Office with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

#### 416.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

### 416.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

### 416.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

### 416.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

## *Aircraft Accidents*

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### **416.5 NOTIFICATIONS**

When an aircraft accident is reported to the Walla Walla County Sheriff's Office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

### **416.6 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene supervisor should ensure the accident is still appropriately investigated and documented.

### **416.7 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.

## *Aircraft Accidents*

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- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

### **416.8 DOCUMENTATION**

All aircraft accidents occurring within the County of Walla Walla shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of WWSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

#### **416.8.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft
  - (a) Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
  - (b) If a member has already taken photographs or video of wreckage that is determined to be a military aircraft; the existence of such photographs or video will be brought to the attention of the military commanding officer and turned over upon demand by the commanding officer.
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

#### **416.8.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

## *Aircraft Accidents*

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### **416.9 MEDIA RELATIONS**

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

## Obtaining Air Support

### 417.1 PURPOSE AND SCOPE

The use of a police helicopter or fixed wing aircraft can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter or fixed wing aircraft may be requested and the responsibilities for making a request.

### 417.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or deputy in charge of an incident determines that the use of a helicopter or fixed wing aircraft would be beneficial, a request to obtain air support assistance may be made.

#### 417.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter or fixed wing aircraft, the Shift Supervisor, or his/her designee, will call the closest agency having air support available. The Shift Supervisor on duty will apprise that agency of the specific details of the incident prompting the request.

#### 417.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Air support may be requested under any of the following conditions:

- (a) When air support is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of air support may reduce such hazard.
- (c) When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When air support 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 and foot pursuits.
- (f) Canine deployment and searches.

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.

#### 417.2.3 REQUEST FOR ASSISTANCE FROM LIFE FLIGHT/MEDSTAR

After consideration and approval of the request for a helicopter, the Shift Supervisor, or his/her designee, will direct Dispatch to call Life Flight/MedStar for helicopter support. The Shift Supervisor

### *Obtaining Air Support*

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on duty will apprise Life Flight/MedStar of the specific details of the incident prompting the request and the specific assistance needed.

A request for Life Flight/MedStar may be made for any medical emergency and for any condition listed above in 417.2.2.

## Contacts and Temporary Detentions

### 418.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

#### 418.1.1 DEFINITIONS

**Consensual encounter** - 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** - 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, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

**Reasonable suspicion** - 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.

**Temporary detention** - When a deputy intentionally, through words, actions or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person's freedom of movement.

### 418.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Walla Walla County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.



## *Contacts and Temporary Detentions*

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### **418.2.1 INITIATING A FIELD INTERVIEW**

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the deputy.

### **418.3 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to 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 weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, pat-down searches should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

### **418.4 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

## *Contacts and Temporary Detentions*

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### 418.4.1 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 have the individual read and sign the appropriate form accompanying the photograph.

### 418.4.2 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. 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. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

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 a supervisor and retained in compliance with this policy.

### 418.4.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Supervisor with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Supervisor should review and forward the photograph to one of the following locations:

- (a) If the photo and associated FI or memorandum is relevant to criminal organization/enterprise enforcement, the Shift Supervisor will forward the photo and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Unit.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

### 418.4.4 SUPERVISOR RESPONSIBILITIES

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 is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

## *Contacts and Temporary Detentions*

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### **418.5 POLICY**

The Walla Walla County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

### **418.6 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, [officers/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 recorded statement. Such witnesses, if willing, may be transported by office members.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

# Criminal Organizations

## 419.1 PURPOSE AND SCOPE

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

### 419.1.1 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.

## 419.2 POLICY

The Walla Walla 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.

## 419.3 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.

### 419.3.1 SYSTEM ENTRIES

It is the designated supervisor'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 should ensure copies of those documents are retained by the Records Unit. Any

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supporting documentation for an entry shall be retained by the Records 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 should ensure that any documents retained by the Records Unit are appropriately marked as intelligence information. The Records Clerk may not purge such documents without the approval of the designated supervisor.

#### **419.3.2 SYSTEM ENTRIES**

It is the designated supervisor'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)).

#### **419.4 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.

##### **419.4.1 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 Unit or Property and Evidence Section, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Dispatch 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.

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### **419.4.2 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 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.

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).

Exception: In the event there is a legitimate law enforcement reason to retain the information in the file, an explanation for doing so shall be entered in the file by the unit supervisor. Files that are retained beyond the five-year period shall be reviewed every six months to determine if they should be purged. The five year purge date may also be adjusted if the subject of the file is incarcerated. The length of such incarceration will adjust forward the date of file purge.

### **419.5 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 Chief Deputy to train members to identify information that may be particularly relevant for inclusion.

### **419.6 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 Maintenance and Release 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.

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### **419.7 CRIMINAL STREET GANGS**

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

### **419.8 TRAINING**

The Chief Deputy 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 shall receive training on its use prior to accessing the database (RCW 43.43.762).

## Shift Supervisors

### **420.1 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 Sergeant heads each watch.

### **420.2 DESIGNATION AS ACTING SHIFT SUPERVISOR**

When a Sergeant is unavailable for duty as Shift Supervisor, the Corporal shall be designated as acting Shift Supervisor. Shift Sergeants will work to ensure that they are not unavailable for duty at the same time as their Corporal. Should this occur, the next senior qualified deputy will be designated as Deputy in Charge.



# Mobile Data Computer Use

## 421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

## 421.2 POLICY

Walla Walla County Sheriff's Office members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

## 421.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

## 421.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Shift Supervisors.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

### 421.4.1 USE WHILE DRIVING

When operating a motor vehicle, deputies are encouraged to limit their use of the MDC to when their vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### **421.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Shift Supervisor or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the sheriff's radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

##### **421.5.1 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the sheriff's radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

#### **421.6 EQUIPMENT CONSIDERATIONS**

##### **421.6.1 MALFUNCTIONING MDC**

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the sheriff's radio.

##### **421.6.2 BOMB CALLS**

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

## Public Recording of Law Enforcement Activity

### 422.1 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.

### 422.2 POLICY

The Walla Walla 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.

### 422.3 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.

### 422.4 OFFICER/DEPUTY RESPONSE

Deputies should promptly request that 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

## *Public Recording of Law Enforcement Activity*

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, 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.

### **422.5 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.

### **422.6 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. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

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

# Medical Marijuana

## 423.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Walla Walla County Sheriff's Office 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.005 et seq.).

### 423.1.1 DEFINITIONS

Definitions related to this policy include (RCW 69.51A.010):

**Authorization** - Documentation that is signed and dated by a qualifying patient's health care professional, authorizing use of medical marijuana.

**Designated provider** - A person who:

- Is 21 years of age or older and is the parent or guardian of a qualifying patient who is 17 years of age or younger and holds a recognition card.
- Has been designated in writing by a qualifying patient to serve as the designated provider for that patient.
- Has an authorization from the qualifying patient's health care professional.
- Has been entered into the medical marijuana authorization database as being the designated provider to a qualifying patient and has been provided a recognition card.

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 qualifying patient and may only provide marijuana to the patient designated to the provider.

**Medical use of marijuana** - The manufacture, production, possession, transportation, delivery, ingestion, application or administration of marijuana 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 or has been entered into the medical marijuana authorization database and has been provided a recognition card.
- Has an authorization from his/her health care professional.

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- Is not under supervision for a crime that does not allow for the use of medical marijuana.

**Recognition Card** - A card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered them into the medical marijuana authorization database.

### **423.2 POLICY**

It is the policy of the Walla Walla County Sheriff's Office to prioritize resources to avoid making arrests related to marijuana that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

Washington medical marijuana laws are intended to provide protection from prosecution for those who use, possess, deliver or produce marijuana to mitigate the symptoms of certain debilitating or terminal medical conditions. However, Washington 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 unreasonably burdening both the individuals protected under Washington law and the resources of the Walla Walla County Sheriff's Office.

### **423.3 INVESTIGATION**

Investigations involving the possession, delivery or production of marijuana generally fall into one of several categories:

- (a) No medicinal claim is made.
- (b) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts within the limits designated by RCW 69.51A.040.
- (c) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts exceeding the limits designated by RCW 69.51A.040 or who presented no authorization when initially contacted.

#### **423.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM**

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 any time, so deputies should document any statements and observations that may be relevant to whether the marijuana is possessed or produced for medicinal purposes.

#### **423.3.2 MEDICAL CLAIMS BY QUALIFYING PATIENTS OR DESIGNATED PROVIDERS**

A qualifying patient or designated provider who was entered into the medical marijuana authorization database and who possesses a valid recognition card should not be arrested or cited

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if he/she possesses no more than six plants in his/her residence with up to 8 ounces of useable marijuana from these plants and any of the following (RCW 69.51A.040; RCW 69.51A.043):

- (a) 48 ounces of marijuana-infused product in solid form
- (b) 3 ounces of useable marijuana
- (c) 216 ounces of marijuana-infused product in liquid form
- (d) 21 grams of marijuana concentrates

A qualifying patient may be allowed to possess up to 15 plants with up to 16 ounces of useable marijuana in his/her residence for the personal medical use of the patient with appropriate health care professional authorization (RCW 69.51A.210).

Qualifying patients and designated providers may only purchase marijuana at a retail outlet at the same quantities as non-patients (RCW 69.50.360) if they do not have the appropriate authorization (RCW 69.51A.210). Qualifying patients and designated providers may purchase immature plants or clones as defined in RCW 69.50.101 and marijuana seeds from a licensed marijuana producer (RCW 69.51A.310).

If a person is both a qualifying patient and a designated provider for another, he/she may possess no more than double the amounts described above (RCW 69.51A.040(1)).

Deputies may take enforcement action against a designated provider even when the above thresholds are not exceeded if there is evidence that the provider has converted the marijuana for his/her personal use or benefit or has provided for more than one patient within a 15-day period (RCW 69.51A.040).

Deputies may take enforcement action against a qualifying patient even when the above thresholds are not exceeded if there is evidence that the patient possesses or uses the marijuana for his/her personal, non-medical use or benefit (RCW 69.51A.040).

### 423.3.3 EXCESS AMOUNTS OR NO AUTHORIZATION

A qualifying patient or designated provider may raise an affirmative defense to charges that the amount of marijuana in his/her possession exceeds the amount legally allowed by RCW 69.51A.040 or that he/she presented no authorization when initially contacted by law enforcement (RCW 69.51A.045).

Deputies should conduct a thorough investigation in such cases, but in general, should not arrest a subject for possession, delivery or production of marijuana if an excess amount appears reasonable based upon the above policy considerations. Similarly, if a deputy can verify that authorization exists, even though a recognition card was not presented or obtained by a qualified patient or designated provider, an arrest generally should not be made (RCW 69.51A.043).

All facts should be thoroughly documented and if evidence is not seized, it shall be photographed and detailed in the report.



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### 423.3.4 ADDITIONAL CONSIDERATIONS

Prior to making a physical arrest or confiscating cannabis plants, usable cannabis or product, deputies should consider the following:

- (a) Whenever the initial investigation reveals an amount greater than specified by law, deputies should, in anticipation of an affirmative defense, consider and document:
  - 1. The medical condition itself.
  - 2. The quality of the marijuana (chemical content).
  - 3. The method of ingestion (e.g., smoking, eating, nebulizer).
  - 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
  - 5. Whether the marijuana is being cultivated indoors or outdoors, and the climate.
- (b) Before proceeding with enforcement related to collective gardens, cooperatives or commercial producers, deputies should consider conferring with appropriate legal counsel and the Washington State Liquor and Cannabis Board for license-related issues (WAC 314-55-410).
- (c) Medical use and possession of marijuana authorized under the Washington medical marijuana statute does not support the forfeiture of property as set forth in the Asset Forfeiture Policy (RCW 69.51A.050).
- (d) Laws and regulations do provide for the cultivation of industrial hemp. The Washington State Department of Agriculture should be contacted should questions arise regarding possible industrial hemp activity (RCW 15.120.020).
- (e) A medical endorsement can be added to a marijuana retail license to allow a retailer to sell marijuana for medical use to qualifying patients and designated providers. Transaction limits apply (WAC 314-55-080; WAC 314-55-095).
- (f) The Washington State Department of Health maintains a Medical Marijuana Authorization Database and regulates marijuana retail outlets with medical marijuana endorsements. This database may be accessed by authorized law enforcement officials for specific criminal investigations (WAC 246-71-010 et seq.).

### 423.4 EXCEPTIONS

This policy does not apply to the following offenses; deputies may take enforcement action if the person (RCW 69.51A.060):

- (a) Engages in the medical use of marijuana 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, or equivalent local ordinances.
- (b) Uses or displays medical marijuana in a manner or place open to the view of the public.
- (c) Produces fraudulent documentation.

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### **423.5 FEDERAL LAW ENFORCEMENT**

Deputies may exchange information regarding a marijuana investigation with federal law enforcement authorities when information is requested by federal law enforcement authorities or whenever the deputy reasonably believes federal law enforcement authorities would request the information if the authorities were aware of the information.

### **423.6 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES**

The Property and Evidence Section Supervisor shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed.

Upon a determination by the prosecuting attorney that the person from whom marijuana, drug paraphernalia or related property was seized is entitled to possession under the law, the Property and Evidence Section Supervisor should return to that person any usable marijuana, plants, drug paraphernalia or other seized property. That determination is the result of a decision not to prosecute, by the dismissal of charges or an acquittal.

The Property and Evidence Section Supervisor may destroy marijuana that was alleged to be for medical purposes upon receipt of a court order.

The Property and Evidence Section Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Bureau Supervisor.

The Property and Evidence Section Supervisor may release marijuana that is taken in for safekeeping only when the owner obtains a court order for its release. If it should go unclaimed, the Property and Evidence Section Supervisor will destroy per current Sheriff's Office evidence policy.

## Foot Pursuits

### 424.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

### 424.2 POLICY

It is the policy of this Office that deputies, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to Office members, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.

### 424.3 DECISION TO PURSUE

The safety of Office members 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 members.

Deputies may be justified in initiating a foot pursuit of any individual that 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 alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place Office members and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

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 a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.

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- (e) Air support.
- (f) 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 foot pursuit.

### **424.4 GENERAL GUIDELINES**

When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The deputy is acting alone.
- (c) 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/her location and direction of travel.
- (e) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the deputy renders him/her incapable of controlling the suspect if apprehended.
- (g) The deputy loses radio contact with the dispatcher or with assisting or backup deputies.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (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 foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer 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

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immediate threat to department members or the public if the suspect is not immediately apprehended.

- (o) The deputy's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

### **424.5 RESPONSIBILITIES IN FOOT PURSUITS**

#### **424.5.1 INITIATING DEPUTY RESPONSIBILITIES**

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit and containment. 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, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

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 foot 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 the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for deputies, suspects or members of the public.

#### **424.5.2 ASSISTING DEPUTY RESPONSIBILITIES**

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should eliminate non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

## *Foot Pursuits*

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### **424.5.3 SUPERVISOR RESPONSIBILITIES**

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information 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 to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

### **424.5.4 DISPATCH RESPONSIBILITIES**

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved deputies.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Shift Supervisor as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

### **424.6 REPORTING REQUIREMENTS**

The initiating deputy shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and deputies.
- (f) 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 Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

### *Foot Pursuits*

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- (k) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

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 support further investigation, a supervisor may authorize that the initiating deputy need not complete a formal report.

# First Amendment Assemblies

## 425.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 425.2 POLICY

The Walla Walla County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

## 425.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.



### *First Amendment Assemblies*

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#### **425.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS**

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating the performance of the Walla Walla County Sheriff's Office; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

#### **425.4 UNPLANNED EVENTS**

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

#### **425.5 PLANNED EVENT PREPARATION**

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

##### **425.5.1 INFORMATION GATHERING AND ASSESSMENT**

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.

## *First Amendment Assemblies*

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- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

### 425.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

- (a) Command assignments, chain of command structure, roles and responsibilities
- (b) Staffing and resource allocation
- (c) Management of criminal investigations
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)
- (e) Deployment of specialized resources
- (f) Event communications and interoperability in a multijurisdictional event
- (g) Liaison with demonstration leaders and external agencies
- (h) Liaison with County government and legal staff
- (i) Media relations
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation
- (k) Traffic management plans
- (l) First aid and emergency medical service provider availability
- (m) Prisoner transport and detention
- (n) Review of policies regarding public assemblies and use of force in crowd control
- (o) Parameters for declaring an unlawful assembly
- (p) Arrest protocol, including management of mass arrests
- (q) Protocol for recording information flow and decisions
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force

### *First Amendment Assemblies*

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- (s) Protocol for handling complaints during the event

#### **425.5.3 MUTUAL AID AND EXTERNAL RESOURCES**

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

#### **425.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS**

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

#### **425.7 USE OF FORCE**

Use of force is governed by Walla Walla County Sheriff's Office current policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER (TM) devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

## *First Amendment Assemblies*

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this office shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

### **425.8 ARRESTS**

The Walla Walla County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of deputies and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

### **425.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

### **425.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

## *First Amendment Assemblies*

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### **425.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

#### **425.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

### **425.12 TRAINING**

Walla Walla County Sheriff's Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Walla Walla County Sheriff's Office should, when practicable, train with its external and mutual aid partners.

## Civil Disputes

### 426.1 PURPOSE AND SCOPE

This policy provides members of the Walla Walla County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Washington law.

### 426.2 POLICY

The Walla Walla County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this office will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 426.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

## *Civil Disputes*

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### **426.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

#### **426.4.1 STANDBY REQUESTS**

Deputies responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items (RCW 26.50.080). Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or he/she may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

### **426.5 VEHICLES AND PERSONAL PROPERTY**

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

### **426.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

## *Civil Disputes*

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### 426.6.1 REQUEST TO REMOVE TRESPASSER DECLARATION

Deputies possessing a lawful declaration signed under penalty of perjury and in the form required by law, may take enforcement action to remove a person from a residence when (Chapter 284 § 1, 2017 Washington laws):

- The person has been allowed a reasonable opportunity to secure and present evidence that the person is lawfully on the premises
- The deputy reasonably believe he/she has probable cause to believe the person is committing criminal trespass under RCW 9A.52.070

A deputy should give the trespasser a reasonable opportunity to vacate the premises before taking enforcement action.



## Crisis Intervention Incidents

### 427.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

#### 427.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

### 427.2 POLICY

The Walla Walla County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Office will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

### 427.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

## *Crisis Intervention Incidents*

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

### **427.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Sheriff should designate an appropriate Chief Deputy to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide office interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

### **427.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

## *Crisis Intervention Incidents*

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### **427.6 DE-ESCALATION**

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

### **427.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous sheriff's response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

### **427.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

## *Crisis Intervention Incidents*

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- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and, if warranted, prepare an after-action evaluation of the incident to be forwarded to the Chief Criminal Deputy
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

### **427.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to office reporting procedures or other official mental health or medical proceedings.

#### **427.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Emergent Detentions Policy.

#### **427.9.2 MENTAL HEALTH AGENCY REFERRAL**

Referrals to a mental health agency pursuant to this policy should be limited to instances where:

- A person is the subject of a report of threatened or attempted suicide; and

- The responding deputy(s) believe, based on their training and experience, that the person could benefit from mental health services;

- The person does not consent to voluntary mental health services;

- The person is not involuntarily committed or involuntarily transported for a mental health evaluation under RCW 71.05; and

- The person is not being transported to a hospital or jail.

### **Procedure**

## *Crisis Intervention Incidents*

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Upon responding to a report of threatened suicide or attempted suicide where all of the aforementioned criteria are met, the primary deputy is encouraged to refer the person to the Crisis Response Team (CRT) and/or Comprehensive HealthCare.

Referrals should be made via written documentation, and should be coded in a way to allow the Sheriff's Office to identify specific reports where a referral was made. Additionally, referrals should include sufficient narrative for the CRT and/or Comprehensive HealthCare to understand the nature of the call, the behavior of the individual, and prioritize their level of response.

Referrals by written documentation can be supplemented with a phone call or dispatch referral to CRT and/or Comprehensive HealthCare. Phone calls or dispatch referrals should not be a substitute for written documentation referrals. Phone calls or dispatch referrals should be noted in the written documentation, including the date and time of the referral, and to whom the deputy spoke.

Referrals made by written documentation only, without a phone call or dispatch referral to CRT and/or Comprehensive HealthCare, should be processed in as expeditious manner as practicable.

RCW 71.05.458 requires the mental health agency to attempt to contact the person as soon as possible, but not more than 24 hours (excluding holidays and weekends) after receiving the referral from law enforcement, to determine whether mental health intervention is necessary.

### **427.9.3 SUICIDE THREATS OR ATTEMPTS**

Deputies should consider a referral to mental health services when a person has threatened or attempted suicide and the person does not qualify for an emergent detention or voluntarily consent to immediate evaluation at a mental health facility (RCW 71.05.457).

- (a) Referrals should be made to the person by providing the name and phone number of the mental health agency and any available handouts.
- (b) The deputy may notify the mental health agency of the referral by phone or other method, in addition to preparing a written incident report.

Incident reports documenting a referral to a mental health agency should be sufficiently detailed regarding the nature of the incident and the person's behavior, to facilitate the mental health agency's prioritization and nature of their response. The deputy should promptly provide a copy of the report to the referred mental health agency (RCW 71.05.457).

### **427.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS**

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

### *Crisis Intervention Incidents*

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If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

#### **427.11 EVALUATION**

The Chief Deputy designated to coordinate the crisis intervention strategy for this office should ensure that a thorough review and analysis of the office response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, deputies or incidents and will be submitted to the Sheriff through the chain of command.

#### **427.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Office will develop and provide comprehensive education and training to all office members to enable them to effectively interact with persons in crisis.

Training shall include mandated training in crisis intervention, certified by the Criminal Justice Training Commission, as required by Washington law (RCW 43.101.427; WAC 139-09-020 et seq.).

## Medical Aid and Response

### 428.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

### 428.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office that all deputies and other designated members be trained to provide certain emergency medical aid and to facilitate an emergency medical response.

### 428.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact WESCOM and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide WESCOM with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  - (a) Signs and symptoms as observed by the member.
  - (b) Changes in apparent condition.
  - (c) Number of patients, sex and age, if known.
  - (d) Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
  - (e) Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

## *Medical Aid and Response*

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### **428.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies shall search any person who is in custody before releasing that person to EMS for transport.

Deputies should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

### **428.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with an emergent detention in accordance with the Emergent Detentions Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

#### **428.5.1 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, he/she should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the Deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport arrestee to a hospital without a supervisor's approval.



## *Medical Aid and Response*

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### **428.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

### **428.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Chief Criminal Deputy should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Walla Walla County Sheriff's Office should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

## *Medical Aid and Response*

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### **428.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A semi-automatic external defibrillator or AED should only be used by members who have completed a course approved by the Washington State Department of Health (DOH) that includes instruction in CPR and the use of an AED (RCW 70.54.310).

#### **428.8.1 AED USER RESPONSIBILITY**

Members who are issued AEDs for use in Walla Walla County Sheriff's Office vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Chief Criminal Deputy, or his designee, who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact WESCOM as soon as possible and request response by EMS (RCW 70.54.310).

#### **428.8.2 AED REPORTING**

Any member using an AED will complete an incident report detailing its use. Any data from usage shall be made available, upon request, to EMS or other health care providers (RCW 70.54.310).

#### **428.8.3 AED TRAINING AND MAINTENANCE**

The Chief Criminal Deputy should ensure appropriate training is provided to members authorized to use an AED.

The Chief Criminal Deputy is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's operational guidelines, and will retain records of all maintenance in accordance with the established records retention schedule (RCW 70.54.310).

### **428.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Members may administer opioid medication in accordance with protocol specified by the health care partitioner who prescribed the overdose medication for use by the member (RCW 69.41.095)

#### **428.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Chief Criminal Deputy.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request a response by EMS.

#### **428.9.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report.

### *Medical Aid and Response*

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The Chief Criminal Deputy will ensure that the Chief Civil Deputy is provided sufficient information to meet applicable state reporting requirements.

#### 428.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Chief Criminal Deputy should ensure training is provided to members authorized to administer opioid overdose medication.

## **Chapter 5 - Traffic Operations**

## Traffic Function and Responsibility

### 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

### 500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Walla Walla 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:

## *Traffic Function and Responsibility*

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### 500.3.1 WARNINGS

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

### 500.3.2 CITATIONS

Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

### 500.3.3 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 traffic violations listed in RCW 10.31.100
- (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).

## *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 shall 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 shall 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 maintained in the trunk of each patrol and investigation unit, in the side box of each sheriff's motorcycle and in the saddlebag or gear bag of each sheriff's bicycle. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Chief Deputy should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

### **500.6 HAZARDOUS ROAD CONDITIONS**

The Walla Walla 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 TRAFFIC COMPLAINTS BY CROSSING GUARDS**

Crossing guards have the authority to submit reports to this department for certain violations occurring in and around crosswalks (RCW 46.61.275). Generally these reports may be for offenses involving a driver's failure to stop at a crosswalk or to exercise due care for pedestrians. Reports must be received no later than 72 hours after the violation occurred.

### *Traffic Function and Responsibility*

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This department will give due consideration and will investigate, to a reasonable degree, reports of violations submitted by crossing guards, in an effort to identify the alleged violator. If the driver is identified and there is reasonable cause to believe a violation of RCW 46.61.235(5), RCW 46.61.245(2) or RCW 46.61.261(2) has occurred, a notice of traffic infraction should be issued.

The Patrol Bureau shall ensure that appropriate forms for reporting violations are available to crossing guards and that a procedure for investigating the reports received by this department is in place.

#### **500.7.1 NOTIFICATION OF INFRACTION**

The Patrol Bureau or a designee may initiate an investigation of the reported violation after receiving a report from a crossing guard. The investigator shall contact the last known owner of the violator vehicle and request the owner to supply information identifying the driver. If the driver is identified and there is reasonable cause to believe that a traffic violation has occurred, a notice of infraction may be served upon the driver of the vehicle (RCW 46.61.275(2)).

#### **500.8 SCHOOL BUS SAFETY CAMERAS**

Any school district with buses properly equipped with cameras that capture stop-arm violations may report such violations to the Walla Walla County Sheriff's Office whenever they occur within the department's jurisdiction.

The Patrol Bureau should establish a report form and procedure for school districts to report school bus stop-arm violations (RCW 46.63.180).

#### **500.8.1 NOTIFICATION OF INFRACTION**

The Patrol Bureau or the authorized designee should initiate an investigation of the reported violation after receiving a stop-arm violation report from a school district.

Issuance of a citation shall conform to state requirements (RCW 46.63.180). The notice of infraction shall be mailed to the registered owner or renter, if applicable, of the vehicle within 14 days of the violation.



# Traffic Collision Reporting

## 501.1 PURPOSE AND SCOPE

The Walla Walla County Sheriff's Office prepares traffic collision reports and as a public service makes traffic collision reports available to the community with some exceptions.

## 501.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by members of this department shall be forwarded to the Shift Supervisor for approval and data entry into the Records Management System. The Patrol Bureau will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Operations Chief Deputy, or other persons as required.

### 501.2.1 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.

## 501.3 REPORTING SITUATIONS

### 501.3.1 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 any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a County vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Chief Deputy.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

### 501.3.2 TRAFFIC COLLISIONS WITH SHERIFF'S DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Walla Walla County Sheriff's Office resulting in a serious injury or fatality, the Patrol Bureau or the Shift Supervisor, may notify the Washington State Patrol or Walla Walla Police Department for assistance.

The term serious injury is defined as any injury that may result in a fatality.

## *Traffic Collision Reporting*

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### 501.3.3 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS

The Patrol Bureau or on-duty Shift Supervisor may request assistance from the Washington State Patrol or Walla Walla Police Department for the investigation of any traffic collision involving any County official or employee where a serious injury or fatality has occurred.

### 501.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit-and-run violation, or RCW violation. Deputies will facilitate the exchange of information and provide vehicle and driver information to Dispatch for entry into the CAD system. An Incident Report may be taken at the discretion of any supervisor.

### 501.3.5 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). When available, state accident reports will be submitted via the electronic reporting system.

## **501.4 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION**

In the event of a serious injury or death related traffic collision, the Shift Supervisor shall notify the Patrol Bureau Command Staff to relate the circumstances of the traffic collision and seek assistance from outside agencies.

## Vehicle Towing and Release

### 502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Walla Walla County Sheriff's Office.

### 502.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

#### 502.2.1 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, a company will be selected from the rotational list of towing companies in Dispatch.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the deputy shall request the dispatcher to call the official towing garage for the County of Walla Walla. The deputy will then complete the Washington Uniform Inventory Impound form and release the vehicle to the towing company.

#### 502.2.2 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

#### 502.2.3 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.

#### 502.2.4 RECORDS UNIT RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Walla Walla County Sheriff's Office Records Unit personnel will promptly attempt to notify the legal owner of the recovery (RCW 7.69.030(7)). The investigating deputy retains responsibility to ensure notification has been made or attempted.

### 502.3 TOWING SERVICES

The County of Walla Walla maintains a list of approved towing companies which are used on a rotational basis. These companies will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

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### *Vehicle Towing and Release*

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- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

Nothing in this policy shall require the Department to tow a vehicle.

#### **502.4 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.

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.

## *Vehicle Towing and Release*

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### **502.5 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.

### **502.6 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.

## Vehicle Impound Hearings

### 503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound validity hearings.

### 503.2 IMPOUND HEARING

When a vehicle is impounded by any member of the Walla Walla 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).

#### 503.2.1 HEARING PROCEDURES

When requested, a hearing will be held at the Walla Walla County Sheriff's Office within five days of the receipt of the request. The Office will appoint a Hearing Officer who will conduct the hearing and render a judgment. The employee who caused the removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on an impounded vehicle shall be submitted in person, writing, or by telephone within ten days of the date appearing on the notice. The person requesting the hearing may record the hearing at his/her own expense.

The vehicle impound hearing officer shall consider all information provided and determine whether the vehicle was impounded consistent with law and Office policy. The Office will have the burden of proving by preponderance of the evidence that the vehicle was impounded lawfully and within policy.

If a decision is made that the vehicle was impounded within the law and Office policy, the hearing officer shall advise the inquiring party that they may appeal the decision with the district court for a final judgment (RCW 46.55.240(1)(d)).

A decision that the vehicle was not impounded in a lawful manner or within Office policy will require that the vehicle in impound be released immediately. Towing and storage fees will be paid at the Office's expense (RCW 46.55.120(3)(e)).

If a decision is made that the vehicle was not impounded in a lawful manner or within Office policy, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Chief Deputy. The hearing officer will recommend to the appropriate Chief Deputy that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Office.

## Impaired Driving

### 504.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving under the influence (DUI).

### 504.2 POLICY

The Walla Walla 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.

### 504.3 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.

The Patrol Bureau will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Washington or another jurisdiction.
- (g) Whether a child under the age of 16 was present in the vehicle (RCW 46.61.507).

### 504.4 FIELD TESTS

The Patrol Bureau should identify standardized FSTs and any approved alternate tests for deputies to use when investigating violations of DUI laws.

### 504.5 CHEMICAL TESTS

A person implies consent under Washington law to a chemical test or tests of the person's breath and to providing the associated chemical sample under any of the following (RCW 46.20.308):

## *Impaired Driving*

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- (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 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 (RCW 46.61.503).
- (c) The deputy has stopped a person operating a commercial motor vehicle license (CDL) and has reasonable grounds to believe that the person was driving while having alcohol in the person's system (RCW 46.25.120).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

### 504.5.1 STATUTORY NOTIFICATIONS

A deputy requesting that a person submit to a chemical test shall provide the person, prior to administering the test, with the mandatory warnings pursuant to RCW 46.20.308(2) or if driving a commercial vehicle the warnings pursuant to RCW 46.25.120(3).

### 504.5.3 BREATH SAMPLES

The Patrol Bureau 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 Patrol Bureau.

Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308; RCW 46.25.120).

### 504.5.4 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (RCW 46.61.506). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

Deputies should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability



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to take a blood test should not be considered a refusal. However, that arrestee 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; RCW 46.25.120).

### **504.6 REFUSALS**

When an arrestee refuses to provide a chemical sample, deputies shall:

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

#### **504.6.1 BLOOD SAMPLE WITHOUT CONSENT**

A blood sample may be obtained from a person who has been arrested and does not consent to a blood test when any of the following conditions exist (RCW 46.20.308; RCW 46.25.120):

- (a) A search warrant has been obtained.
- (b) The deputy can articulate that exigent circumstances exist.

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

#### **504.6.2 FORCED BLOOD SAMPLE**

If an arrestee 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 individual 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 blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.

## *Impaired Driving*

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1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  2. In misdemeanor cases, if the arrestee 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 draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample 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.

### **504.7 ARREST AND INVESTIGATION**

#### **504.7.1 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).

Arrests supported by probable cause for DUI are mandatory if the person has been convicted of DUI in the past 10 years or if the deputy has knowledge based on the information available to him/her that the person is charged with, or is waiting arraignment for, an offense that would qualify as a prior offense as defined by RCW 46.61.5055 if it were a conviction (RCW 10.31.100).

#### **504.7.2 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(5)):

- (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 his/her right to a hearing before the Department of Licensing (DOL).
- (c) Advise the person that his/her 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.
- (e) Submit a sworn report to the DOL when the person has a CDL and either refused or had a test administered that disclosed a prohibited amount of alcohol or any amount of THC concentration (RCW 46.25.120(5)).

## *Impaired Driving*

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When a person is arrested for a violation of RCW 46.61.502 (DUI) or RCW 46.61.504 (Physical control of vehicle while DUI), the deputy shall make a clear notation on the report if there is a child under the age of 16 present in the vehicle and promptly notify child protective services as required in the Child Abuse Policy (RCW 46.61.507).

### **504.7.3 TYPE OF CHEMICAL TESTING**

Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308(3)).

Blood tests may be administered (RCW 46.20.308):

- (a) When the person is incapable of providing a breath sample due to physical injury, physical incapacity or other physical limitation.
- (b) When the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance or other similar facility.
- (c) When the officer has reasonable grounds to believe that the person is under the influence of a drug.
- (d) When otherwise provided for in this policy.

### **504.7.3 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 46.20.308(2); RCW 46.61.506).

## **504.8 RECORDS UNIT RESPONSIBILITIES**

The Records Clerk will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

## **504.9 ADMINISTRATIVE HEARINGS**

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

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

A deputy 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.

## **504.10 TRAINING**

The Chief Deputy 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 Chief Deputy should confer with the prosecuting attorney's office and update training topics as needed.

## Traffic Citations

### 505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### 505.2 RESPONSIBILITIES

The Patrol Bureau shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Unit shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

### 505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Patrol Bureau. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Bureau may request the Operations Chief Deputy to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the deputy may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Operations Chief Deputy for review.

### 505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Bureau.

### 505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Traffic Bureau. The Traffic Bureau shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

## *Traffic Citations*

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### **505.6 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Unit.

Upon separation from employment with this department, all employees issued traffic citations books shall return any unused citations to the Records Unit.

### **505.7 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

## Disabled Vehicles

### 506.1 PURPOSE AND SCOPE

This department has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

### 506.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

### 506.3 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. The dispatcher should then assign another available deputy to respond for assistance as soon as practical.

### 506.4 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

#### 506.4.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

#### 506.4.2 VEHICLE LOCK-OUTS

Officers do not assist with unlocking motor vehicles for citizens unless it is determined that a child in the vehicle is potentially at risk. All other requests for unlocks are referred to private industry.

#### 506.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

#### 506.4.3 RELOCATION OF MOTORIST

The relocation of a motorist with a disabled vehicle should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary

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### *Disabled Vehicles*

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to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

## Unauthorized 24 Hour Vehicle Violations

### 507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of unauthorized vehicles parked in violation of 24 hour time limitations.

### 507.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a highway after being left unattended for 24 hours shall be marked and noted in the CAD notes.. The deputy will ask dispatch to create a "Quick Call" incident in the CAD system. No case number is required at this time (RCW 46.55.010(14)).

A notification sticker shall be applied in a visible location.

If a marked vehicle has been moved, the vehicle shall be re-marked for another 24-hour period and noted in the CAD system.

If a marked vehicle has current Washington registration plates, the Deputy shall check the records to learn the identity of the last owner of record. The Deputy shall make 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 taken into custody and stored at the owner's expense (RCW 46.55.085(2)).

#### 507.2.1 VEHICLE STORAGE

A deputy may store any vehicle not removed 24 hours after marking (RCW 46.55.085(3)).

The deputy authorizing the storage of the vehicle shall complete a uniform impound authorization and inventory form. The completed form shall be submitted to the Records Unit immediately following the storage of the vehicle (RCW 46.55.075(2)).



# Vehicle Seizure and Forfeiture

## 508.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and forfeiture of vehicles associated with the arrest of subjects for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504).

## 508.2 SUSPENSION OF WASHINGTON DRIVER LICENSES

RCW 46.61.5058 provides for the forfeiture of any vehicle when the driver of such vehicle has been arrested for driving under the influence or physical control of a vehicle while under the influence, if such person has a prior offense within seven years as defined in RCW 46.61.5055.

### 508.2.1 ADMINISTRATIVE RESPONSIBILITIES

All procedures and administrative responsibilities associated with this policy are handled by the Operations Division.

## 508.3 VEHICLE SEIZURE PROCEDURES

When a deputy arrests a subject for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504), the deputy may initiate steps to seize the arrestee's vehicle under the following circumstances:

- (a) The arrestee has a prior offense within seven years as defined in RCW 46.61.5055,
- (b) The arrestee must be provided with a department form to notify the arrestee, in writing, that it is unlawful to transfer, sell or encumber in any way the subject's interest in the vehicle in which they were driving or had physical control when the violation occurred, and
- (c) The vehicle is not a rental (RCW 46.61.5058(1)(b)).

The vehicle should be impounded as provided under the authority of RCW 46.55.113(1).

### 508.3.1 PHYSICAL SEIZURE OF VEHICLE

Physical seizure of the vehicle shall occur only upon the following circumstances:

- (a) Upon conviction of either driving under the influence or physical control of a vehicle while driving under the influence where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055 and the person driving has a financial interest in the vehicle.
- (b) Upon a court order.
- (c) If there is reasonable cause to believe that the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding, the deputy may seize the vehicle immediately.

## *Vehicle Seizure and Forfeiture*

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Any vehicle that is seized pursuant to any of the above subsections should immediately be impounded and held pending further court action (RCW 46.61.5058(3)).

### **508.4 VEHICLE FORFEITURE**

It is the policy of the Walla Walla County Sheriff's Office to initiate forfeiture proceedings on all vehicles seized pursuant to RCW 46.61.5058.

Within fifteen days after vehicle seizure, the legal owner of the seized vehicle shall be notified of the seizure and intended forfeiture. Such notification shall be accomplished in writing to the last known address of the legal owner by certified mail with a return of service requested, or any other form of notification required by court order (RCW 46.61.5058(4)).

#### **508.4.1 FORFEITURE HEARING**

Persons notified of seizure have forty-five days to respond. Upon written response, such persons shall have the opportunity to be heard as to the claim or right (RCW 46.61.5058(6)).

- (a) The following procedure shall apply in such cases:
  - 1. Persons requesting a forfeiture hearing must complete and sign an Walla Walla County Sheriff's Office Forfeiture Request Form;
  - 2. All hearings shall be scheduled and conducted in a timely fashion.
  - 3. The hearing officer(s) shall be designated by the Sheriff.
  - 4. The decision of the hearing officer shall be considered final.
- (b) The owner of the seized vehicle may, through his/her initiation and legal process, choose to remove the hearing to court.
- (c) The vehicle shall be considered forfeited under the following circumstances:
  - 1. If, forty-five days after the seizure, no person has notified the Walla Walla County Sheriff's Office of a claim of ownership or right to the vehicle.
  - 2. After a hearing officer has determined that the vehicle was lawfully seized and is subject to forfeit.
  - 3. A court of local jurisdiction has determined that the vehicle was lawfully seized and is subject to forfeit.
- (d) In any case where it is determined that the vehicle is not subject to forfeit, it shall be immediately returned to the legal owner.

### **508.5 PROCEDURES FOLLOWING FORFEITURE**

Vehicles that have been lawfully seized and through forfeit the ownership is transferred to the Walla Walla County Sheriff's Office may be sold or retained for official use provided that all bona fide security interests to the vehicle are first satisfied (RCW 46.61.5058(7)). The following procedure shall apply after vehicles are legally forfeited to the Walla Walla County Sheriff's Office:

## *Vehicle Seizure and Forfeiture*

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- (a) The Patrol Bureau or his/her designee shall determine the disposition of all vehicles legally forfeited to the Walla Walla County Sheriff's Office. Such disposition shall be determined based on vehicle value, existing security interest, and the needs of the Department.
- (b) The value of the vehicle is the sale price, or if retained, the fair market value of the vehicle at the time of the seizure (RCW 46.61.5058(14)).
- (c) A record of the forfeited vehicle shall be maintained. The record shall indicate the prior owner's information, if known, a description of the vehicle, the disposition of the vehicle, its value at time of seizure and the amount of proceeds realized from disposition of the vehicle (RCW 46.61.5058(8)).
  - 1. Such records shall be maintained for at least seven years (RCW 46.61.5058(9)).
- (d) A copy of the records of all forfeited vehicles shall be filed with the state treasurer each calendar quarter (RCW 46.61.5058(10)).
- (e) By January 31st of each year, ten percent of the net proceeds of vehicles forfeited during the preceding calendar year shall be remitted to the state treasurer (RCW 46.61.5058(12)(13)).

## **Chapter 6 - Investigation Operations**

# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

## 600.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

## 600.3 INITIAL INVESTIGATION

### 600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the deputy shall:
  - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Supervisor.
  - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  - 5. Collect any evidence.
  - 6. Take any appropriate law enforcement action.
  - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

### 600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of a deputy shall be requested.

### **600.3.3 ARRESTS BY PRIVATE PERSONS**

Private persons may make a common law arrest for crimes constituting a breach of the peace or may detain a person under the authority of RCW 9A.16.020 (felonies, retail theft, etc.) Any deputy presented with a private person wishing to make an arrest must determine whether there is probable cause to believe that such an arrest would be lawful.

- (a) Should any deputy determine that there is no probable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
  - 1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The deputy must include the basis of such a determination in a related report.
  - 2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever a deputy determines that there is probable cause to believe that a private person's arrest is lawful, the deputy shall take a written statement from the person who has made the arrest. In addition, the deputy may exercise one of the following options:
  - 1. Take the individual into physical custody for booking.
  - 2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

### **600.4 CUSTODIAL INTERROGATION REQUIREMENTS**

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

#### **600.4.1 AUDIO/VIDEO RECORDINGS**

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Bureau supervisor. Copies of

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recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

### **600.5 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

### **600.6 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

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#### **600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

##### **600.7.1 ACCESS RESTRICTIONS**

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

##### **600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION**

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

#### **600.8 MODIFICATION OF CHARGES FILED**

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Chief



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Deputy or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

## Asset Forfeiture

### 601.1 PURPOSE AND SCOPE

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

#### 601.1.1 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 Walla Walla County Sheriff's Office seizes property for forfeiture or when the Walla Walla 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 member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Walla Walla County Sheriff's Office 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).

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### 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.

#### 601.2 POLICY

The Walla Walla 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 Walla Walla 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.

#### 601.3 ASSET SEIZURE

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

##### 601.3.1 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 19.290.230; RCW 66.32.020; RCW 9A.82.100; RCW 9A.83.030).

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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.

### **601.3.2 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 9.46.231; RCW 9A.88.150; RCW 69.50.505).

### **601.4 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.

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

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.

### **601.5 MAINTAINING SEIZED PROPERTY**

The Property and Evidence Section 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.

### **601.6 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 Walla Walla County Sheriff's Office 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 Walla Walla County Sheriff's Office 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 use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to

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### Asset Forfeiture

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deputies. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
  2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
  3. A space for the signature of the person from whom cash or property is being seized.
  4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that 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 Special 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.

## *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 Walla Walla County Sheriff's Office regular inventory is in accordance with all applicable laws and consistent with the office's use and disposition of similar property.
  - (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Walla Walla 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.

### **601.7 DISPOSITION OF PROPERTY**

No member of this office 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 office member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

# Informants

## 602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants. In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Walla Walla Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Walla Walla County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Walla Walla County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

## 602.2 POLICY

The Walla Walla County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

## 602.3 USE OF INFORMANTS

### 602.3.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

### 602.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Sheriff or the authorized designee



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### **602.3.3 INFORMANT AGREEMENTS**

All informants are required to sign and abide by the provisions of the designated department informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

### **602.4 INFORMANT INTEGRITY**

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Chief Deputy, Special Investigations Section supervisor or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Walla Walla County Sheriff's Office, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
  - (a) Members shall not become intimately involved with an informant.
  - (b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Chief Criminal Deputy
  - (c) Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the Chief Criminal Deputy.
  - 1. Deputies may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

### **602.4.1 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be

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unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of a deputy.
- (c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

#### **602.5 INFORMANT FILES**

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Special Investigations Section. The Special Investigations Section supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Chief Deputy, Special Investigations Section supervisor or their authorized designees.

The Operations Chief Deputy should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Special Investigations Section supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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### **602.5.1 FILE SYSTEM PROCEDURE**

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
  - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the deputy initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

### **602.6 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any 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 value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Special Investigations Section supervisor will discuss the above factors with the Operations Chief Deputy and recommend the type and level of payment subject to approval by the Sheriff.

#### **602.6.1 PAYMENT PROCESS**

Approved payments to an informant should be in cash using the following process:

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- (a) Payments of \$500 and under may be paid in cash from a Special Investigations Section buy/expense fund.
  - 1. The Special Investigations Section supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the deputy who will be delivering the payment.
  - 1. The check shall list the case numbers related to and supporting the payment.
  - 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
  - 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
  - 4. Authorization signatures from the Sheriff and the Board of County Commissioners are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.
  - 1. The cash transfer form shall include the following:
    - (a) Date
    - (b) Payment amount
    - (c) Walla Walla County Sheriff's Office case number
    - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
  - 2. The cash transfer form shall be signed by the informant.
  - 3. The cash transfer form will be kept in the informant's file.

#### 602.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the 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 informant's file.

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### 602.6.3 AUDIT OF PAYMENTS

The Special Investigations Section supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

# Eyewitness Identification

## 603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

### 603.1.1 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.

## 603.2 POLICY

The Walla Walla County Sheriff's Office 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.

## 603.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 603.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

### **603.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

### **603.8 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

## Brady Material Disclosure

### 604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

#### 604.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady information** - Information known or possessed by the Walla Walla County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 604.2 POLICY

The Walla Walla 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 Walla Walla 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 Office will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### 604.3 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 Office case file.



## *Brady Material Disclosure*

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### **604.4 DISCLOSURE OF PERSONNEL INFORMATION**

If a member of this office is a material witness in a criminal case, a person or persons designated by the Sheriff shall examine the personnel file and/or internal affairs file of the deputy to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and office member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or office counsel should be requested to file a motion in order to initiate an in camera review by the court.
  - 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
  - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Sheriff should periodically examine the personnel files and/or internal affairs files of all deputies who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

### **604.5 INVESTIGATING BRADY ISSUES**

If the Office 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 (RCW 10.93.150).

### **604.6 TRAINING**

Office personnel should receive periodic training on the requirements of this policy.

# Sexual Assault Investigations

## 605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

### 605.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in RCW 9A.44.010 et seq. and RCW 9A.64.020.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 605.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 605.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

## *Sexual Assault Investigations*

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### **605.4 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim Witness Assistance Policy.

#### **605.4.1 POLYGRAPH EXAMINATION OF VICTIM**

Victims of alleged sex offenses shall not be asked or required to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense. The refusal of a victim to submit to a polygraph or other truth telling device shall not by itself prevent the investigation, charging or prosecution of the offense (RCW 10.58.038; 34 USC § 10451).

#### **605.4.2 VICTIM PERSONAL REPRESENTATIVE**

A victim may choose a personal representative to accompany him/her to the hospital or other health care facility and to any proceeding concerning the alleged sexual assault, including interviews. A personal representative includes a friend, relative, attorney, employee or volunteer from a community sexual assault program or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).

### **605.5 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

### **605.6 TRAINING**

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.

## *Sexual Assault Investigations*

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2. Legal issues.
3. Victim advocacy.
4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  1. Interviewing sexual assault victims.
  2. SART.
  3. Medical and legal aspects of sexual assault investigations.
  4. Serial crimes investigations.
  5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  6. Techniques for communicating with victims to minimize trauma.
  7. The course provided by the Washington State Criminal Justice Training Commission on investigating and prosecuting sexual assault cases developed pursuant to RCW 43.101.270.
  8. Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

### **605.7 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

### **605.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing. Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

## *Sexual Assault Investigations*

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### **605.8.1 COLLECTION AND TESTING REQUIREMENTS**

Sexual assault examination kits shall be submitted to an approved lab within 30 days with a request for testing prioritization when an adult victim has consented to the submission or the victim is an unemancipated person 17 years of age or younger (RCW 70.125.090).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

### **605.8.2 STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM**

Members investigating a sexual assault should ensure that that biological evidence is tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

### **605.8.3 DNA TEST RESULTS**

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

## **605.9 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Detective Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

## **605.10 CASE REVIEW**

The Detective Bureau supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

# Walla Walla County Sheriff's Office

## Policy Manual

### *Sexual Assault Investigations*

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The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Sheriff.

## Warrant Service

### 606.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol deputies.

### 606.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

### 606.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

### 606.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

### 606.5 ARREST WARRANTS

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence

## Warrant Service

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to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

### **606.6 WARRANT PREPARATION**

A deputy who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

### **606.7 HIGH-RISK WARRANT SERVICE**

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded when announcing to everyone present that the conversation is going to be recorded and said announcement is recorded except if allowed by the warrant (RCW 9.73.030).



## Warrant Service

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- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

### **606.8 DETENTIONS DURING WARRANT SERVICE**

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

### **606.9 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

### **606.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members

### *Warrant Service*

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- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Walla Walla County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Walla Walla County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Supervisor should assume this role.

If deputies intend to serve a warrant outside Walla Walla County Sheriff's Office jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the Walla Walla County Sheriff's Office when assisting outside agencies or serving a warrant outside Walla Walla County Sheriff's Office jurisdiction.

#### **606.11 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **606.12 TRAINING**

The Chief Deputy should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

# Operations Planning and Deconfliction

## 607.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 607.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by deputies on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

## 607.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

## 607.3 OPERATIONS DIRECTOR

The Sheriff will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

## 607.4 RISK ASSESSMENT

### 607.4.1 RISK ASSESSMENT FORM PREPARATION

Deputies assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the deputy should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the deputy should also submit information to these resources.

The deputy should gather available information that includes, but is not limited to:

## *Operations Planning and Deconfliction*

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to deputies and others (e.g., making an off-site arrest or detention of the subject of investigation).

### 607.4.2 RISK ASSESSMENT REVIEW

Deputies will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

### 607.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
  - 1. Special Weapons and Tactics Team (SWAT)
  - 2. Additional personnel
  - 3. Outside agency assistance
  - 4. Special equipment
  - 5. Medical personnel
  - 6. Persons trained in negotiation
  - 7. Additional surveillance

## *Operations Planning and Deconfliction*

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8. Canines
  9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
  10. Forensic specialists
  11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
  - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
  - (d) Coordinate the actual operation.

### **607.5 DECONFLICTION**

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The deputy who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The deputy should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

### **607.6 OPERATIONS PLAN**

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
  1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
  2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

## *Operations Planning and Deconfliction*

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
- 3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
- 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
  - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
  - 1. An adequate number of uniformed deputies should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
  - 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control Procedures policies.
- (k) Communications plan
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

### **607.6.1 OPERATIONS PLAN RETENTION**

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

### **607.7 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

## *Operations Planning and Deconfliction*

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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
  - 1. Exceptions may be made by the operations director for deputies who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
  - 1. It is the responsibility of the operations director to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to deputies arriving at the location.
  - 2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
  - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

### **607.8 SWAT PARTICIPATION**

If the operations director determines that SWAT participation is appropriate, the director and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the deputies present.

### **607.9 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

### **607.10 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

## *Operations Planning and Deconfliction*

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### **607.11 TRAINING**

The Chief Deputy should ensure deputies and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.



## Chapter 7 - Equipment

## Agency Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Agency employees are expected to properly care for agency property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or agency property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF AGENCY PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of agency property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of agency 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 agency issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable agency property should be discontinued as soon as practical and replaced with comparable Agency 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) Agency property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Agency 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 Chief Deputy, 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.

### *Agency Owned and Personal Property*

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff who will then forward the claim to the Finance Department.

The Agency will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work. Any duty to replace or repair shall be subject to the terms of any applicable collective bargaining agreement.

#### **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.

#### **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 Chief Deputy.

## Personal Communication Devices

### 701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs) wireless capable tablets 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, emailing, using video or camera features, playing games and accessing sites or services on the internet.

### 701.2 POLICY

The Walla Walla County Sheriff's Office allows members to utilize office-issued or funded 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 Office, 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, members 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 member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

### 701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

### 701.4 AGENCY-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Walla Walla County Sheriff's Office may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Agency-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Sheriff or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Walla Walla County Sheriff's Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

## *Personal Communication Devices*

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### **701.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Walla Walla County Sheriff's Office accepts no responsibility for loss of or damage to a personally owned PCD except to the extent reimbursement for damage to personal property is covered by the applicable collective bargaining agreement.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
- (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 Walla Walla County Sheriff's Office, without the express authorization of the Sheriff or the authorized designee.
- (f) Use of a personally owned PCD for work-related business constitutes consent for the agency to access the PCD to inspect and copy data to meet the needs of the agency, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the agency with the telephone number of the device.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall, within twenty-four hours of returning to duty, document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall, within twenty-four hours of returning to duty, provide the Walla Walla County Sheriff's Office with a copy of such records to ensure accurate record keeping.

### **701.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

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### *Personal Communication Devices*

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- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace should be set to silent or vibrate mode.
- (c) 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).
- (d) Members 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.
- (e) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

#### **701.7 DATA COLLECTION AND UPLOADS**

- (a) Collection of Digital Photographs
  1. Evidential photographs shall be obtained using the installed camera application (app) on the PCD.
  2. The camera settings shall not be adjusted post-issuance of the PCD.
- (b) Collection of audio/video recordings
  1. Evidential audio or video recordings shall be obtained using the installed audio or camera app.
  2. The settings of these apps shall not be adjusted post-issuance of the PCD.
  3. When collecting audio/video recordings from victims, witnesses or suspects, deputies shall use the following format:
    - (a) Start Recording
      1. This is (Your title, name, personnel number) of the Walla Walla County Sheriff's Office conducting an interview with (Name, Birthdate) as part of an investigation under case number \_\_\_\_\_.
      2. This interview is being conducted at (location) on (date) at (hours).
      3. Do you understand that per Walla Walla County Sheriff's Office policy, this interview is being recorded?

# Walla Walla County Sheriff's Office

## Policy Manual

### *Personal Communication Devices*

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4. (If applicable, advise subject of Miranda Warnings and allow to respond).
  - (b) Conduct the Interview
  - (c) End with the Following Questions/Statements
    1. Are there any facts surrounding this investigation I have failed to ask you that you would like to add to this statement?
    2. Is there anyone else you believe may have information pertaining to this investigation?
    3. Be advised that by supplying false information you may be subject to criminal charges.
      - (a) Do you certify or declare under penalty of perjury, under the laws of the State of Washington (RCW 9A.72.030), that the foregoing is true and correct?
    4. This is the end of the interview. The time is now \_\_\_\_ and I will be stopping the recording.
  - (d) Stop Recording
  - (e) When authoring their report on the incident, deputies shall include a brief narrative summary of any recorded interviews.
- (c) Data Uploads
1. Employees shall upload their digital files to the WWSO shared drive via their computers with the issued data cable.
    - (a) For larger files, or an extensive number of files, deputies are encouraged to upload their files from a hard line within the Sheriff's Office or a satellite location.
    - (b) No evidentiary digital data may be transferred via text or email.
  2. The digital data files will be uploaded to a specific case file folder on the WWSO shared drive.
  3. Once it has been verified that all digital data files have successfully uploaded to the shared drive, all digital files shall be deleted from the memory of the PCD.

#### **701.8 SUPERVISOR RESPONSIBILITIES**

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

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.
  1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

## *Personal Communication Devices*

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2. Before conducting any administrative search of a member's personally owned device, supervisors shall consult with the Sheriff or the authorized designee.

### **701.9 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, members who are operating vehicles other than authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use and the use complies with RCW 46.61.672. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

### **701.10 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other office communications network.



# Vehicle Maintenance

## 702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining agency vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance. Employees, at the beginning of their shift, shall inspect their agency-issued vehicle for defects, safety concerns, or missing/malfunctioning equipment.

## 702.2 DEFECTIVE VEHICLES

When an agency vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to a member of the Walla Walla County Sheriff's Office command staff for review and recommendations.

### 702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

### 702.2.2 SEVERE USE

Vehicles operated under severe-use conditions should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

### 702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

## 702.3 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Vehicles shall only be refueled at an authorized location.

## 702.4 WASHING OF VEHICLES

All vehicles shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

## *Vehicle Maintenance*

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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.

### **702.5 CIVILIAN EMPLOYEE USE**

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the "out of service" placards or light-bar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## Vehicle Use

### 703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure office vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of office vehicles and shall not be construed to create or imply any contractual obligation by the County of Walla Walla to provide assigned take-home vehicles.

### 703.2 POLICY

The Walla Walla County Sheriff's Office provides vehicles for office-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments and other considerations.

### 703.3 USE OF VEHICLES

#### 703.3.1 SHIFT ASSIGNED VEHICLES

The Shift Supervisor shall ensure a copy of the shift assignment roster, indicating member assignments, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the pass on log.

#### 703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift Supervisor. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

#### 703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. 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.

The interior of any vehicle that has been used to transport any person other than a member of this office shall 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 member shall search all areas of the vehicle that are accessible by the person before and after that person is transported. Such search and any results shall be documented in the appropriate case report or CAD notes.

### *Vehicle Use*

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All office 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.

#### 703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

#### 703.3.5 MOBILE DATA COMPUTER

Members assigned to vehicles equipped with a Mobile Data Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify Dispatch. Use of the MDC is governed by the Mobile Data Computer Use Policy.

#### 703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Chief Deputy approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

#### 703.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

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### *Vehicle Use*

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#### **703.3.8 AUTHORIZED PASSENGERS**

Members operating office vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

#### **703.3.9 ALCOHOL**

Members who have consumed alcohol are prohibited from operating any office vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

#### **703.3.10 PARKING**

Except when responding to an emergency or when urgent office-related business requires otherwise, members driving office vehicles should obey all parking regulations at all times.

Office vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to office vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

#### **703.3.11 ACCESSORIES AND/OR MODIFICATIONS**

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

#### **703.3.12 CIVILIAN MEMBER USE**

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

### **703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Office vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

#### **703.4.1 ON-DUTY USE**

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other office members at the discretion of the Sheriff or the authorized designee.

#### **703.4.2 ASSIGNED VEHICLES**

Assignment of take-home vehicles shall be based on the nature of the member's duties, job description and essential functions; and the member's employment or appointment status.

# Walla Walla County Sheriff's Office

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### *Vehicle Use*

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Office members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Sheriff or a Chief Deputy gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
  - 1. In circumstances when a member has been placed on call by the Sheriff or Chief Deputies and there is a high probability that the member will be called back to duty.
  - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
  - 3. When the member has received permission from the Sheriff or Chief Deputies.
  - 4. When the vehicle is being used by the Sheriff, Chief Deputies or members who are in on-call administrative positions.
  - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
  - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
  - 2. All weapons shall be secured while the vehicle is unattended.
  - 3. All Sheriff's Office identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Sheriff or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons

## *Vehicle Use*

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shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

- (h) Vehicles are to be secured at the member's residence or the appropriate Office facility, at the discretion of the Sheriff's Office when a member will be away (e.g., on vacation) for periods exceeding one week.
  - 1. If the vehicle remains at the residence of the member, the Sheriff's Office shall have access to the vehicle.
  - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Office.
- (i) The member is responsible for the care and maintenance of the vehicle.

### 703.4.3 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Walla Walla County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their office-issued identification. Deputies should also ensure that office radio communication capabilities are maintained to the extent feasible.

### 703.4.4 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Office. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the office supervisor in charge of vehicle maintenance.
- (d) The Office shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

## *Vehicle Use*

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### **703.5 UNMARKED VEHICLES**

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose.

### **703.6 DAMAGE, ABUSE, AND MISUSE**

When any office 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 the Traffic Collision Reporting Policy).

Damage to any office 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 Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

### **703.7 TOLL ROAD USAGE**

Authorized on-duty emergency vehicles are exempt from incurring toll road charges. An authorized emergency vehicle is an on-duty vehicle of the Office which is equipped with emergency lights and siren and used to respond to emergency calls (WAC 468-270-030; WAC 468-270-085; WAC 468-270-105).

To avoid unnecessary toll road charges, all members operating office vehicles on a toll road shall adhere to the following:

- (a) Members operating office vehicles that are not authorized emergency vehicles shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.
- (b) Members in unauthorized vehicles passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Chief Deputy within five working days explaining the circumstances.

### **703.8 ATTIRE AND APPEARANCE**

When operating any office vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Office.



## Cash Handling, Security and Management

### 704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure Office members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

### 704.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

### 704.3 PETTY CASH FUNDS

The Sheriff shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

### 704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

### 704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Sheriff, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Sheriff.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Sheriff or the County.

## *Cash Handling, Security and Management*

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### **704.6 ROUTINE CASH HANDLING**

Those who handle cash as part of their property or Special Investigations Section supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

### **704.7 OTHER CASH HANDLING**

Members of the Office who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

## **Chapter 8 - Support Services**

# Crime Analysis

## 800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the long range planning efforts of the Walla Walla County Sheriff's Office 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
- Open source internet assets
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## 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

## 800.4 CRIME ANALYSIS DISSEMINATION

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

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### *Crime Analysis*

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development of the agency'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.

# Dispatch

## 801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Office in the course of its normal daily activities and during emergencies.

## 801.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Office provides two-way radio capability for continuous communication between Dispatch and Office members in the field.

## 801.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the Shift Supervisor, command staff and Office members with a specific business-related purpose.

## 801.5 RADIO COMMUNICATIONS

The sheriff's radio system is for official use only, to be used by dispatchers to communicate with Office members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b)
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Dispatch Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

### 801.5.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Walla Walla County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

### 801.5.2 RADIO IDENTIFICATION

Radio call signs are assigned to Office members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Members should use their call

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### *Dispatch*

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signs 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 Officemember. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the Office station name or number.

# Property and Evidence

## 802.1 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.

## 802.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- Property obtained by the 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

**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.

## 802.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property entry. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

### 802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

- (a) Complete the property entry describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.



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- (d) Place the case number in the upper right hand corner of the bag.
- (e) The original property entry will be digitally submitted with the case report.
- (f) When the property is too large to be placed in a locker, the item may be retained in the WWSO off site secure facility. Digitally submitted property record should indicate the location of the property.

### 802.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Prior to booking, all narcotics and dangerous drugs shall be weighed in the original packaging and again after being placed in the evidence packaging. Make appropriate notes in the booking entry to indicate weights include packaging.

The deputy seizing the narcotics and dangerous drugs shall place them in the designated locker and digitally submit a property report with the case report.

### 802.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Supervisor. The Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the sheriff's facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Crime Analyst Technician is responsible for transporting to a safe disposal location, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

### 802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Crime Analyst Technician, or placed in the designated container for return to the Department of Licensing. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Crime Analyst Technician, or placed in the bicycle storage area and logged into property.
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking deputy and the supervisor. The Shift Supervisor shall be contacted for cash in excess of \$1,000 for special handling procedures.

## *Property and Evidence*

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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.

### **802.3.5 PROPERTY SUBJECT TO FORFEITURE**

Whenever property seized by the Office is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the assigned deputy, detective, or the Crime Analyst 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 the Asset Forfeiture Policy.

### **802.3.6 STORAGE OF SURRENDERED FIREARMS**

Deputies shall accept and store a firearm from any individual who has surrendered firearms under RCW 9.41.800 (Surrender of weapons), the Extreme Risk Protection Order Act, or after being detained under RCW 71.05.150 or RCW 71.05.153. 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.
  1. If the firearm was surrendered pursuant to the Extreme Risk Protection Order Act, the original receipt should be forwarded promptly to the Records Clerk for timely filing with the court (RCW 7.94.090).

The Crime Analyst Technician shall store a firearm accepted pursuant to this policy.

### **802.3.7 FOUND PROPERTY**

Found property surrendered to the Office shall be handled as required by RCW 63.21.050.

## **802.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs.
- (b) Firearms (ensure they are unloaded and booked separately from ammunition).

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- (c) Property with more than one known owner.
- (d) Fireworks.
- (e) Contraband.
- (f) Cash.
- (g) Valuable commodities.

### **802.4.1 PACKAGING CONTAINER**

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles. A syringe should not be placed into evidence unless it is a homicide weapon. The lab will not accept syringes for testing. If the syringe contains liquid that must be tested, the liquid shall be ejected into a vial. The vial will be sealed and then entered into evidence.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

### **802.4.2 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 temporary evidence lockers. 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. If the suspected narcotics is in a white powder form or in a non-professionally made pill form, or is suspected fentanyl, no presumptive test should be performed.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking deputy shall initial the sealed envelope and the initials covered with evidence tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded digitally in the evidence computer.

### **802.5 RECORDING OF PROPERTY**

The Crime Analyst Technician receiving custody of evidence or property shall record the date and time the property was received and where the property will be stored in the evidence computer.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag.

Any changes in the location of property held by the Walla Walla County Sheriff's Office shall be noted in the property/evidence computer.

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### **802.6 PROPERTY CONTROL**

Each time the Crime Analyst Technician receives property or releases property to another person, he/she shall enter this information in the property computer. Deputies desiring property for court shall contact the Crime Analyst Technician at least one day prior to the court day.

#### **802.6.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry in the evidence computer shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Crime Analyst Technician. This request may be filled out any time after booking of the property or evidence.

#### **802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The transporting employee will check the evidence out of property, indicating the date and time in the property computer and the request for laboratory analysis.

The Crime Analyst Technician releasing the evidence must complete the required information in the property computer. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the deputy will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and a digital copy will be returned to the Records Unit for filing with the case.

#### **802.6.3 STATUS OF PROPERTY**

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be noted in the property computer, stating the date, time and to whom released.

The Crime Analyst Technician shall obtain the signature of the person to whom property is released, and the reason for release. Any 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.

The return of the property should be recorded in the property computer, indicating date, time, and the person who returned the property.

#### **802.6.4 AUTHORITY TO RELEASE PROPERTY**

The Detective Bureau shall authorize the disposition or release of all evidence and property coming into the care and custody of the Walla Walla County Sheriff's Office.

#### **802.6.5 RELEASE OF PROPERTY**

The Walla Walla County Sheriff's Office shall make every effort to return personal property that is in the possession of this office when such property is not considered evidence of a crime or is no

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longer needed as evidence. In such cases, the Crime Analyst Technician shall make a reasonable attempt to identify the lawful owner and provide written notice via US Mail within 15 days after the property is authorized to be released.

If the property remains unclaimed beyond sixty days after the initial written notice to the property owner, or, in the case of property held as evidence, sixty days from the date when the case has been finally adjudicated and the property has been released as evidence by order of the court, the Office may (RCW 63.32.010; RCW 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 or RCW 63.40. The disposition of all proceeds from such auctions shall be accounted for and recorded according to law. (RCW 63.32.030).
- (b) Retain the property for the use of the Office subject to giving notice in the manner prescribed in RCW 63.32.020 (or RCW 63.40.020) 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 Office shall provide the County's elected body and retain for public inspection 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).
- (c) Destroy an item of personal property at the discretion of the 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 Sheriff has determined that the item is unsafe and unable to be made safe for use by any member of the general public.

If the item is not unsafe or illegal to possess or sell, it may, after satisfying the notice requirements as prescribed in RCW 63.32.020, be offered by the Sheriff to bona fide dealers, in trade for law enforcement equipment. Such equipment shall be treated as retained property for purpose of annual listing requirements of the RCW. Such items may be destroyed at the discretion of the Sheriff if he/she believes that it has been, or may be used in a manner that is illegal (RCW 63.32.010).

The Crime Analyst 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 property receipt. Upon release, the proper entry shall be documented in the evidence computer.

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#### **802.6.6 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the Walla Walla County Sheriff's Office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the agency may wish to file an interpleader to resolve the disputed claim.

#### **802.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS**

The Detective Bureau will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this office.

#### **802.6.8 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. Such material shall remain under the control of this office 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 office or a neutral facility as approved by the court (RCW 9.68A.001). Any request for inspecting such material should be brought to the attention of the assigned investigator or an investigation supervisor.

### **802.7 DISPOSITION OF PROPERTY**

All personal property, other than vehicles governed by Chapter 46.52 RCW, not held for evidence in a pending criminal investigation or proceeding, and held for 60 days 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 Crime Analyst Technician should request a disposition or status on all property which has been held in excess of 60 days, and for which no disposition has been received from a supervisor or detective (RCW 63.32.010; RCW 63.40.010).

#### **802.7.1 BIOLOGICAL EVIDENCE**

The Crime Analyst Technician shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Operations Chief Deputy

Biological evidence shall be retained for a minimum period established by Washington law (RCW 5.70.010) or the expiration of any sentence imposed related to the evidence, whichever time period

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is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Operations Chief Deputy.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor's office.

Biological evidence from an unsolved crime shall not be disposed of prior to expiration of the statute of limitations (RCW 5.70.010). Even after expiration of the applicable statute of limitations, the Operations Chief Deputy should be consulted.

### 802.7.2 RETURN OF FIREARMS

Prior to the return of a privately owned firearm, the Crime Analyst Technician shall ensure confirmation of the following (RCW 9.41.345):

- (a) The individual to whom the firearm is to be returned is the individual from whom the firearm was obtained, an authorized representative of the individual, or other person identified by a court order.
  - (b) The individual is eligible to possess a firearm pursuant to RCW 9.41.080.
  - (c) The firearm is not required to be held in custody or prohibited from release.
  - (d) Twenty-four hours has elapsed from the time the firearm was obtained by law enforcement or five business days if the firearm was seized in connection with a domestic violence call under RCW 10.99.030.
  - (e) Notification is made to those family or household members who have requested notification pursuant to established office protocol (RCW 9.41.340).
1. Firearms shall be held in custody for 72 hours from the time notification is provided.

If a firearm or dangerous weapon was surrendered or lawfully seized pursuant to a protection order issued under RCW 9.41.800 and is to be returned to a person other than the individual from whom the firearm or dangerous weapon was obtained, the Crime Analyst Technician shall determine that the person is the lawful owner and obtain a written agreement, signed by the lawful owner under the penalty of perjury, that the firearm or dangerous weapon will be stored in a manner to prevent the individual from whom the firearm or dangerous weapon was obtained, from accessing, controlling, or possessing the firearm or dangerous weapon (Chapter 245 § 2, 2019 Laws).

Upon confirmation that the individual is eligible to possess a firearm and any applicable notifications are complete, the firearm shall be released to the individual or authorized representative upon request without unnecessary delay.

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If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from release, written notice shall be provided to the individual within five business days of the date the individual requested return of the firearm. The written notice shall include the reason the firearm must remain in custody.

### **802.7.3 RELEASE OF FIREARMS IN EXTREME RISK PROTECTION ORDER MATTERS**

If an extreme risk protection order is terminated or expires without renewal, a firearm taken or surrendered pursuant to the order shall be returned to the person after (RCW 7.94.100):

- (a) Confirming through a background check that the person is currently eligible to possess the firearm under federal and state law.
- (b) Confirming with the court that the extreme risk protection order is no longer in effect.
- (c) Notice has been provided to a family or household member who requested notification.

If an individual other than the restrained person claims title to any firearms surrendered or taken into custody, and that individual is determined to be the lawful owner and a lawful possessor of the firearm, the firearm shall be returned to that individual provided that he/she agrees to store the firearm in a manner that prevents the restrained person from access (RCW 7.94.090).

### **802.7.4 SEXUAL ASSAULT KITS**

Untested and unreported sexual assault kits shall not be disposed of or destroyed and shall be retained by the Office or transferred to the Washington State Patrol as required by Chapter 93 § 8, 2019 Laws.

### **802.7.5 RELEASE OF FIREARMS AFTER EMERGENT DETENTION**

Firearms surrendered pursuant to Chapter 247 § 1, 2019 Laws (surrender of firearms after emergent detention) shall be returned in compliance with the provisions of RCW 9.41.345 as long as the six-month suspension period has expired or the person's right to possess firearms has been restored, whichever is sooner (Chapter 247 § 1, 2019 Laws).

## **802.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a quarterly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff.
- (c) An annual audit of evidence held by the office shall be conducted by a Chief Deputy (as appointed by the Sheriff) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, a full inventory of sensitive items, to include money, jewelry, drugs and guns, shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for to the satisfaction of the Sheriff.



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#### 802.8.1 PROPERTY AND EVIDENCE SECTION SECURITY

Access to the Walla Walla County Sheriff's Office Property and Evidence Section is restricted to authorized office personnel only. It shall be the responsibility of the Crime Analyst Technician to control all access to the Property and Evidence Section.

The Crime Analyst Technician shall maintain a log of all persons entering the secured area of the Property and Evidence Section. Personnel, other than those assigned to the Property and Evidence Section, who have legitimate business in the secured area will be required to record their name, the date, time and purpose for entry.

## Records

### 803.1 PURPOSE AND SCOPE

The Records Clerk shall maintain the Office Records Unit Procedures Manual on a current basis to reflect the procedures being followed within the Records Unit. Policies and procedures that apply to all employees of this office are contained in this chapter.

#### 803.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Unit by Records Unit personnel.

Reports are numbered commencing with the current year followed by a sequential number beginning with 00000001 starting at midnight on the first day of January of each year. As an example, case number 2009-00000001 would be the first new case beginning January 1, 2009.

#### 803.1.2 UNIFORM CRIME REPORTING

The Walla Walla County Sheriff's Office participates in the Uniform Crime Reporting Program (UCR) and/or the National Incident Based Reporting System (NIBRS). The Records Clerk is responsible for ensuring that UCR/NIBRS reports are provided to the Washington Association of Sheriffs and Police Chiefs (WASPC) on a regular basis.

### 803.2 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 Unit accessible only to authorized Records Unit personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Shift Supervisor.

Walla Walla 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 office policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

#### 803.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Unit. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Clerk. All original reports removed from the Records Unit shall be recorded on the Report Check-Out Log, and place a Report Checkout Card in the location where the original report was filed, which shall constitute the only authorized manner by which an original report may be removed from the Records Unit.

#### 803.2.2 RECORDS CONCERNING JUVENILES

The Records Clerk shall be responsible for the destruction of juvenile records in accordance with RCW 13.50.270, including the following circumstances:

- Upon receiving notification from the juvenile court that specific records should be destroyed.

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- A Juvenile's criminal records must be destroyed when the defendant reaches 18 years of age if the records consist of successfully completed diversions and counsel and release agreements, or both, which were successfully completed after June 7, 2018, and there is no restitution owing in the case.
- Upon receiving notification from the Office of the Governor that a specific juvenile has received a full and unconditional pardon, the Records Clerk shall ensure that all records pertaining to that juvenile are destroyed within 30 days.

### **803.3 REQUISITION OF SUPPLIES**

All personnel who are in need of supplies shall advise their supervisor. If the request is approved, they may obtain supplies from the supply room after consulting with an on-duty records personnel.

If the employee is either taking the last item or the next to last item, they must inform the Administrative Secretary of the need for the additional supplies.

### **803.4 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)**

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 the Washington Crime Information Center (WACIC). There are specific requirements for agencies accessing the information in the group of computer systems in ACCESS.

#### **803.4.1 ACCESS USE REQUIREMENTS**

No member of the Walla Walla County Sheriff's Office shall operate any of the ACCESS systems without first complying with the training requirements as listed in the ACCESS manual.

#### **803.4.2 ACCESS REQUIREMENTS**

As an authorized ACCESS user, the Walla Walla County Sheriff's Office complies with all of the following ACCESS requirements:

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

It is the responsibility of the Records Clerk to ensure that all ACCESS computer and network security requirements are in place and operational.

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### **803.5 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 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 that 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 they believe 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 Unit is responsible for making the appropriate entry into the WACIC.

Whenever an Officer Safety Advisory is initiated by the Walla Walla County Sheriff's Office, it is the responsibility of the Records Clerk 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.

### **803.6 COURT ORDERS**

The Records Clerk shall see that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the Records Clerk shall see that the order is removed from the applicable system (RCW 9A.40.102; RCW 9A.40.104; RCW 9A.40.106).

## Records Maintenance and Release

### 804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of Walla Walla County Sheriff's Office records. Protected information is separately covered in the Protected Information Policy.

### 804.2 POLICY

The Walla Walla County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the Washington Public Records Act (RCW 42.56.001 et seq.).

### 804.3 PUBLIC RECORDS OFFICER

The Sheriff shall designate a Public Records Officer (RCW 42.56.580). The responsibilities of the Public Records Officer include but are not limited to:

- (a) Managing the records management system for the Office, including the retention, archiving, release and destruction of office public records.
- (b) Establishing rules regarding the inspection and copying of office public records as reasonably necessary for the protection of such records.
  - 1. Rules and procedures for public inspection and copying shall be prominently displayed and made available to the public for inspection and copying (RCW 42.56.040).
- (c) Maintaining and making available for public inspection and copying an index of documents that provides identifying information of certain documents identified in RCW 42.56.070 that are maintained by the Office.
- (d) Maintaining and updating the office records retention schedule including:
  - 1. Identifying the minimum length of time the Office must keep records.
  - 2. Identifying the office division responsible for the original record.
- (e) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (f) Ensuring a current list containing every law that exempts or prohibits disclosure of specific information or records of the Office is available to the public (RCW 42.56.070).
- (g) Establishing rules regarding the processing of subpoenas for the production of records.
- (h) Ensuring the availability of a current schedule of fees for public records as allowed by law (RCW 42.56.070; RCW 42.56.120; RCW 42.56.130).
- (i) Ensuring that the business hours for record inspection or copying are posted on the office's website and made known by other means designed to provide the public with notice (RCW 42.56.090).

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- (j) Ensuring that the name and contact information of the Public Records Officer is visible to the public, including the office website and appropriate office publications (RCW 42.56.580).

### **804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any agency member who receives a request for any record shall route the request to the Public Records Officer or the authorized designee.

#### **804.4.1 REQUESTS FOR RECORDS**

The processing of requests for any record is subject to the following:

- (a) The Office is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) Requests to inspect or copy records shall be responded to promptly. Within five business days of receiving the request, one of the following responses shall be made (RCW 42.56.520):
  - 1. Providing the record.
  - 2. Providing the internet address and link of the office website to the specific records requested.
    - (a) If the requester notifies the Office that access cannot be obtained through the internet, then copies of the record shall be provided or the requester may view the records on the office computer.
  - 3. Acknowledging the receipt of the request and providing a reasonable estimate of time the Office will require to respond to the request. Additional time may be required to respond based upon:
    - (a) The need to clarify the intent of the request.
    - (b) The need to locate and assemble the information requested.
    - (c) Notification to third persons or agencies affected by the request.
    - (d) Determination whether any of the information requested is exempt.
  - 4. Acknowledging the receipt of the request and asking the requester for clarification if the request is not clear and providing the requester a reasonable estimate of the time that will be needed to respond if the request is not clarified. If the requester does not respond, and the entire request

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is unclear, the Office need not respond. If only part of the request is unclear, the Office shall respond to those portions of the request that are clear.

#### 804.4.2 DENIALS

- (a) The denial shall be accompanied by a written statement that includes the specific exemption and a brief explanation of how the exemption applies to the withheld record (RCW 42.56.210).
- (b) Requests that are denied are subject to judicial review and the burden of proof is on the Office to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.550).

#### 804.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any office record, including traffic collision reports, are restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Personnel records that contain personal information to the extent that disclosure would violate privacy rights (RCW 42.56.230; RCW 42.56.250).
- (c) Specific intelligence and specific investigative records regarding the discipline of any profession where nondisclosure is essential for effective law enforcement or for the protection of any person's right to privacy (RCW 42.56.240).
- (d) Victim and witness information revealing the identity of persons who file complaints if disclosure would endanger the person's life, physical safety, or property (RCW 42.56.240).
- (e) Child victim and witness identity information including name, address, recordings, and photographs (RCW 7.69A.030; RCW 42.56.240).
- (f) Concealed pistol license applications or information on the applications unless release is to law enforcement or corrections agencies under RCW 9.41.070.
- (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 (RCW 10.97.130; RCW 42.56.240).
- (h) Personal identifying information collected relating to local security alarm system programs and vacation crime watch programs (RCW 42.56.240).
- (i) Certain criminal history record information as restricted by the Criminal Records Privacy Act (RCW 10.97.040 et seq.).

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- (j) Traffic collision reports except for what is authorized by RCW 46.52.080 and RCW 46.52.083.
- (k) Preliminary drafts, notes, recommendations, or intra-agency memorandums in which opinions are expressed, or policies formulated, or recommended (RCW 42.56.280).
- (l) Records that are relevant to a controversy (threatened, actual, or completed litigation) to which the Office 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).
- (m) Security records including but not limited to records relating to preparing and responding to criminal terrorist acts; vulnerability assessments and emergency and escape plans of secured facilities; information regarding infrastructure and security of computer and telecommunications networks; system security and emergency preparedness plans; and as further defined in RCW 42.56.420.
- (n) Global positioning system data that indicates the location of a member's residence or of a public employee or volunteer (RCW 42.56.240; RCW 42.56.250).
- (o) Information contained in a local, regional, or statewide gang database (RCW 42.56.240).
- (p) Body worn camera recordings that violate a person's right to privacy (RCW 42.56.240).
- (q) Personal identifying information, or information regarding citizenship or immigration status, of any victim of criminal activity or trafficking who is requesting certification for a U or T visa, except where allowed by law (RCW 7.98.020).
- (r) Personal identifying information about an individual's religious beliefs, practices, or affiliation (RCW 42.56.235).
- (s) Any other information that may be appropriately denied by Washington law.

#### **804.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Public Records Officer 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.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the Prosecuting Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

#### **804.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the agency's name and to whom the record was released.



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Each audio/video recording released should include the agency's name and to whom the record was released.

### **804.8 SECURITY BREACHES**

Members who become aware that any Walla Walla County Sheriff's Office system containing personal information may have been breached should notify the Public Records Officer as soon as practicable.

The Public Records Officer shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (RCW 42.56.590).

Notice shall be given as soon as reasonably practicable but may be delayed if notification will impede a criminal investigation.

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- (a) Social Security number
- (b) Driver license number or Washington identification card number
- (c) Full account number, credit or debit card number, or any required security code, access code or password that would permit access to an individual's financial account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Public Records Officer should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

### **804.9 EXPUNGEMENT**

Expungement orders received by the Walla Walla County Sheriff's Office shall be reviewed for appropriate action by the Public Records Officer. The Public Records Officer shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

### **804.10 TRAINING**

The Public Records Officer shall complete a training program consistent with the Attorney General's model rules within 90 days of assuming responsibilities for public records and complete refresher training as required (RCW 42.56.152).

## Protected Information

### 805.1 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 Walla Walla County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the public records information covered in the Records Maintenance and Release Policy.

#### 805.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Walla Walla 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.

### 805.2 POLICY

Members of the Walla Walla 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.

### 805.3 RESPONSIBILITIES

The Sheriff shall select a member of the Office 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.

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### **805.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Walla Walla 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.

#### **805.4.1 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 Standards of Conduct Policy.

Employees who obtain, or attempt to obtain, information from the office files other than that to which they are entitled in accordance with their official duties is a violation of the Standards of Conduct Policy.

### **805.5 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 Clerk for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office 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 Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

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

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

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### **805.5.1 REVIEW OF CRIMINAL OFFENDER RECORD**

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

### **805.6 SECURITY OF PROTECTED INFORMATION**

The Sheriff will select a member of the Office 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 (RCW 19.255.010).

### **805.6.1 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).

### **805.7 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.

### **805.8 RELIGIOUS AFFILIATION DISCLOSURE**

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any government program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (RCW 42.60.020).

# Animal Control

## 806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

## 806.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

## 806.3 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

## 806.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
  - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

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2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

### **806.5 ANIMAL CRUELTY COMPLAINTS**

Laws relating to the cruelty to animals should be enforced, including but not limited to RCW 9.08.070 (cruelty to pets), RCW 16.52.117 (animal fighting), RCW 16.52.205 (animal cruelty) and RCW 16.52.320 (cruelty to livestock).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

#### **806.5.1 REMOVAL OF ANIMALS**

A deputy who has probable cause to believe that an animal is subject to cruelty may obtain a warrant for removal of the animal when there is no responsible person to assume care of the animal and a good faith effort to contact the animal's owner has first been attempted. If an animal is in immediate life-threatening condition, a warrant need not be obtained. The animal may be removed to a suitable place for feeding and care or placed under the custody of Animal Control (RCW 16.52.085).

When an animal is removed, written notice shall be provided to the owner regarding the circumstances of the removal and the legal remedies available to the owner. The notice shall be given by posting at the place of the seizure, by delivery to a person residing at the place of seizure or by registered mail if the owner is known (RCW 16.52.085).

The deputy who removed the animal may authorize an examination by a veterinarian to determine whether neglect or abuse is sufficient to require removal of the animal (RCW 16.52.085).

#### **806.5.2 ANIMALS EXPOSED TO EXCESSIVE HEAT OR COLD, LACK OF VENTILATION OR LACK OF NECESSARY WATER**

Deputies may, in exigent circumstances, enter a vehicle or enclosed space other than a residence to save the life of an animal suffering harm from exposure to excessive heat or cold or lack of necessary ventilation or water when there is no person present in the immediate area who has access to the vehicle or enclosed space and is willing to immediately remove the animal (RCW 16.52.340).

In all other cases, a court order should be obtained when necessary to enter a vehicle or structure to protect the life of an animal.

### **806.6 ANIMAL BITE REPORTS**

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise

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have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

### **806.7 STRAY DOGS**

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

### **806.8 DANGEROUS ANIMALS**

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

### **806.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

### **806.10 DECEASED ANIMALS**

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

### **806.11 INJURED ANIMALS**

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

### **806.12 DESTRUCTION OF ANIMALS**

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor and whenever possible, in consultation with a licensed veterinarian and the owner of the animal (RCW 16.52.210).

# Jeanne Clery Campus Security Act

## 807.1 PURPOSE AND SCOPE

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

## 807.2 POLICY

The Walla Walla 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 Walla Walla 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 Walla Walla County Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Walla Walla 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.

## 807.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Sheriff will:

- (a) Ensure that the Walla Walla 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 Walla Walla 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)).



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5. Notify the Walla Walla 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).

#### **807.4 RECORDS COLLECTION AND RETENTION**

The Records Clerk is responsible for maintaining Walla Walla 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 office 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); 34 CFR 668.46(c)):
  1. Murder
  2. Sex offenses, forcible or non-forcible
  3. Robbery
  4. Aggravated assault
  5. Burglary
  6. Motor vehicle theft

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7. Manslaughter
  8. Arson
  9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
  10. Dating violence, domestic violence and stalking
- (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, gender, gender identity, 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); 34 CFR 668.46(c)).
- (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)(9)). 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); 34 USC § 12291; 34 CFR 668.46(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)(5)):
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 Walla Walla County Sheriff's Office (34 CFR 668.46(c)(3)).
- (e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

#### 807.4.1 CRIME LOG

The Records Clerk 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 Walla Walla County Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.

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- (b) All log entries shall be made within two business days of the initial report being made to the Office.
- (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 sheriff's office 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.

#### **807.5 INFORMATION DISSEMINATION**

It is the responsibility of the Administrative Services Chief Deputy 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:
  - 1. Crime statistics and the policies for preparing the crime statistics.
  - 2. Crime and emergency reporting procedures, including the responses to such reports.
  - 3. Policies concerning security of and access to campus facilities.
  - 4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including:
    - (a) Procedures victims should follow.
    - (b) Procedures for protecting the confidentiality of victims and other necessary parties.

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5. Enforcement policies related to alcohol and illegal drugs.
6. Locations where the campus community can obtain information about registered sex offenders.
7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

## **Chapter 9 - Custody**

# Temporary Custody of Adults

## 900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Walla Walla County Sheriff's Office for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Holding cell/cell** - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Office.

**Safety checks** - Direct, visual observation by a member of this office performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

**Temporary custody** - The time period an adult is in custody at the Walla Walla County Sheriff's Office prior to being released or transported to a housing or other type of facility.

## 900.2 POLICY

The Walla Walla County Sheriff's Office is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Office. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

## 900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

### 900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Walla Walla County Sheriff's Office, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.

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- (d) Individuals who are a suspected suicide risk (see the Emergent Detentions Policy).
  - 1. If the deputy taking custody of an individual believes that he/she may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Deputies taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

### 900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized office member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female office member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

### 900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.

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- (c) Any other person authorized by the Shift Supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

### **900.4 INITIATING TEMPORARY CUSTODY**

The deputy responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The deputy should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving deputy should ask the arresting deputy if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility.

The deputy should promptly notify the Shift Supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

#### **900.4.1 SCREENING AND PLACEMENT**

The deputy responsible for an individual in custody shall:

- (a) Advise the Shift Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
  - (a) Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
  - (b) Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    - (a) Continuous, direct sight and sound supervision.
    - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
- (c) Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
- (d) Ensure males and females are separated by sight and sound when in cells.
- (e) Ensure restrained individuals are not placed in cells with unrestrained individuals.



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- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

#### 900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Chief Criminal Deputy will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Office members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
  - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
  - 1. If the country is on the mandatory notification list, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
    - (c) Forward any communication from the individual to his/her consular officers without delay.
    - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
  - 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Forward any communication from the individual to his/her consular officers without delay.

#### 900.5 SAFETY, HEALTH AND OTHER PROVISIONS

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#### 900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Walla Walla County Sheriff's Office, the custody shall be promptly and properly documented in a CAD notes, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Office.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks.
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Walla Walla County Sheriff's Office.

The Shift Supervisor should approve the temporary custody and should also put in CAD notes when the individual is released from custody or transferred to another facility.

The Shift Supervisor should make periodic checks to ensure all CAD notes and safety and security checks are made on time.

#### 900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.

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- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

#### 900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to office members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by a deputy.

Those who require medication while in temporary custody should not be at the Walla Walla County Sheriff's Office. They should be released or transferred to another facility as appropriate.

#### 900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

#### 900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
  - (a) The Office should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
  - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

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### **900.5.6 RELIGIOUS ACCOMMODATION**

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

### **900.5.7 FIREARMS AND OTHER SECURITY MEASURES**

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

## **900.6 USE OF RESTRAINT DEVICES**

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Walla Walla County Sheriff's Office unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

### **900.6.1 PREGNANT ADULTS**

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

## **900.7 PERSONAL PROPERTY**

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person. A request for the release of property to another

## *Temporary Custody of Adults*

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person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Office shall maintain a copy of the property receipt.

The Shift Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Supervisor shall attempt to prove or disprove the claim.

### **900.8 HOLDING AREA/INTERVIEW ROOM**

A thorough inspection of a holding area/interview room shall be conducted before placing an individual into the holding area/interview room to ensure there are no weapons or contraband and that the holding area/interview room is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the holding area/interview room should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by office members shall occur no less than every 15 minutes.
  - 1. Safety checks should be at varying times.
  - 2. All safety checks shall be logged.
  - 3. The safety check should involve questioning the individual as to his/her well-being.
  - 4. Individuals who are sleeping or apparently sleeping should be awakened.
  - 5. Requests or concerns of the individual should be logged.

### **900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY**

The Operations Chief Deputy will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Walla Walla County Sheriff's Office. The procedures should include the following:

## *Temporary Custody of Adults*

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- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Shift Supervisor, Sheriff and Operations Chief Deputy.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the Prosecuting Attorney.
- (f) Notification of the Coroner.
- (g) Evidence preservation.

### **900.10 RELEASE AND/OR TRANSFER**

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and notes have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Walla Walla County Sheriff's Office unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
  - (a) The office member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, deputies should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

#### **900.10.1 TRANSFER TO HOSPITAL**

When an individual in custody for a violent or sex offense is taken to a hospital, the transporting deputy shall remain with, or secure, the individual while the individual is receiving care, unless (RCW 10.110.020; RCW 10.110.030):

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- (a) The medical care provider determines the individual does not need to be accompanied or secured.
- (b) The deputy notifies the medical care provider that the deputy is leaving after reasonably determining:
  - 1. The individual does not present an imminent and significant risk of causing physical harm to themselves or another person.
  - 2. There is no longer sufficient evidentiary basis to maintain the individual in custody.
  - 3. In the interest of public safety, his/her presence is urgently required at another location and supervisor approval is obtained.
    - (a) The deputy shall make a reasonable effort to ensure a replacement deputy is provided or other means of securing the individual is provided as soon as possible.

### **900.11 ASSIGNED ADMINISTRATOR**

The Chief Criminal Deputy will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire and life-safety
- (h) Disaster plans
- (i) Building and safety code compliance

### **900.12 TRAINING**

Office members should be trained and familiar with this policy and any supplemental procedures.

# Custodial Searches

## 901.1 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 Walla Walla County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of office members, individuals in custody, contractors and the public.

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

### 901.1.1 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.

## 901.2 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.

## 901.3 FIELD AND TRANSPORTATION SEARCHES

A deputy shall 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 Office 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.



## *Custodial Searches*

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

Custody searches shall be conducted on all individuals in custody, upon entry to the Walla Walla 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.

#### **901.4.1 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 office member. The inventory should include the case number, date, time, member's Walla Walla County Sheriff's Office identification number and information regarding how and when the property may be released.

#### **901.4.2 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The Office member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

### **901.5 STRIP SEARCHES**

No individual in temporary custody at any Walla Walla 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).

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### *Custodial Searches*

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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.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on Office 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).

#### 901.5.1 STRIP SEARCH PROCEDURES

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

- (a) Written authorization from the Shift Supervisor 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.

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### *Custodial Searches*

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3. The written authorization for the search, obtained from the Shift Supervisor.
  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.
  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).

#### 901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Supervisor authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Supervisor authorization does not need to be in writing.

## *Custodial Searches*

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### 901.5.3 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, electronic metal detector or clothing searches shall be made prior to any strip search (RCW 10.79.060; RCW 10.79.140).

### 901.6 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 Supervisor and only upon a search warrant. If authorization from the Shift Supervisor is received electronically, it shall be printed and signed by the Shift Supervisor 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.
- (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 Supervisor'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.

## *Custodial Searches*

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- (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 Supervisor 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).

### **901.7 TRAINING**

The Chief Deputy 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.

## Biological Samples

### 902.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

### 902.2 POLICY

The Walla Walla County Sheriff's Office will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

### 902.3 OFFENDERS SUBJECT TO DNA COLLECTION

The following offenders must submit a biological sample (RCW 43.43.754):

- (a) An offender convicted of any felony offense.
- (b) An offender convicted of assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041).
- (c) An offender convicted of assault in the fourth degree with sexual motivation (RCW 9A.36.041; RCW 9.94A.835).
- (d) An offender convicted of communication with a minor for immoral purposes (RCW 9.68A.090).
- (e) An offender convicted of custodial sexual misconduct in the second degree (RCW 9A.44.170).
- (f) An offender convicted of failure to register as a sex or kidnap offender (RCW 9A.44.130; RCW 9A.44.132).
- (g) An offender convicted of harassment (RCW 9A.46.020).
- (h) An offender convicted of patronizing a prostitute (RCW 9A.88.110).
- (i) An offender convicted of sexual misconduct with a minor in the second degree (RCW 9A.44.096).
- (j) An offender convicted of stalking (RCW 9A.46.110).
- (k) An offender who violates a sexual assault protection order granted under RCW 7.90.005 et seq.

### 902.4 PROCEDURE

When an offender is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

## *Biological Samples*

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### 902.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the offender is required to provide a sample pursuant to RCW 43.43.754.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the person's Washington State criminal history records. There is no need to obtain a biological sample if one has been previously obtained (RCW 43.43.754).
- (c) Use the designated collection kit provided by the Washington State Patrol to perform the collection and take steps to avoid cross contamination.

### 902.5 USE OF FORCE TO OBTAIN SAMPLES

If an offender refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel, and only with the approval of a supervisor.

Methods to consider when seeking voluntary compliance include contacting:

- (a) The individual's parole or probation officer, when applicable.
- (b) The prosecuting attorney to seek additional charges against the individual for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the individual's next court appearance.
- (d) The individual's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available. The supervisor shall review and approve any plan to use force and be present to document the process.

The supervisor shall review and approve any plan to use force and be present to document the process.

### 902.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all persons participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the established records retention schedule.

### 902.6 LEGAL MANDATES AND RELEVANT LAWS

Washington law provides for the following:

### *Biological Samples*

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#### 902.6.1 AVAILABLE INFORMATION AND TRAINING

The patrol supervisor should maintain relevant informational material from the Washington State Patrol in the booking area of the Walla Walla County Sheriff's Office for training and guidance purposes. This should include the protocols for the collection, preservation and shipment of biological samples prepared by the Washington State Patrol (WAC 446-75-060).



## Prison Rape Elimination

### 903.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Walla Walla County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111).

#### 903.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

**Sexual abuse** - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

### **903.2 POLICY**

The Walla Walla County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Office will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Walla Walla County Sheriff's Office will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

### **903.3 PREA COORDINATOR**

The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Walla Walla County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of Walla Walla County Sheriff's Office prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

# Walla Walla County Sheriff's Office

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
  - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
  - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
  - 3. A process to document all referrals to other law enforcement agencies.
  - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
  - 5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).
  - 1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.
- (h) Publishing on the department's website:
  - 1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).
  - 2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).
  - 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
  - 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

### **903.4 REPORTING SEXUAL ABUSE AND HARASSMENT**

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Office shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Office and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

#### **903.4.1 MEMBER RESPONSIBILITIES**

Office members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Shift Supervisor any knowledge, suspicion or information regarding:

- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against prisoners or the member who reports any such incident.

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- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

### **903.4.2 SHIFT SUPERVISOR RESPONSIBILITIES**

The Shift Supervisor shall report to the office's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift Supervisor shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Shift Supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift Supervisor shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Office shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

### **903.5 INVESTIGATIONS**

The Office shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received office-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

#### **903.5.1 FIRST RESPONDERS**

The first deputy to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that

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could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not a deputy the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

### 903.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Walla Walla County Sheriff's Office.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the prosecuting attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

### 903.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this office shall not be used as a basis for terminating an investigation (28 CFR 115.171).

### 903.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless

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of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

### **903.5.5 CONCLUSIONS AND FINDINGS**

All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the Board of County Commissioners. The Sheriff or Board of County Commissioners shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

### **903.6 RETALIATION PROHIBITED**

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift Supervisor or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Shift Supervisor or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

### **903.7 REVIEWS AND AUDITS**

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### 903.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

### 903.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the department's progress in addressing sexual abuse.



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The report shall be approved by the Sheriff and made readily available to the public through the office website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Walla Walla County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the office website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

### **903.8 RECORDS**

The Office shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Office, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

### **903.9 TRAINING**

All employees, volunteers and contractors who may have contact with prisoners shall receive office-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Chief Deputy shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Office's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.

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- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Chief Deputy shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

## **Chapter 10 - Personnel**

# Recruitment and Selection

## 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Walla Walla County Sheriff's Office and that are promulgated and maintained by the Personnel Unit.

## 1000.2 POLICY

In accordance with applicable federal, state and local law, the Walla Walla County Sheriff's Office provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Office does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

## 1000.3 RECRUITMENT

The Chief Civil Deputy should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy could include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Consideration of shared or collaborative regional testing processes.

The Chief Civil Deputy shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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### **1000.4 SELECTION PROCESS**

The Office shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship or Immigration Services (USCIS) Employment Eligibility Verification Form I-9, who can read & write the English language, and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state and federal criminal history record checks
- (h) Polygraph or computer voice stress analyzer (CVSA) examination (when legally permissible) (RCW 43.101.095; WAC 139-07-040)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Walla Walla County Sheriff's Office (RCW 43.101.095).

#### **1000.5.1 NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

#### **1000.5.2 REVIEW OF SOCIAL MEDIA SITES**

Due to the potential for accessing unsubstantiated, private or protected information, the Chief Civil Deputy shall not require candidates to provide passwords, account information or access to password-protected social media accounts (RCW 49.44.200).

## *Recruitment and Selection*

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The Chief Civil Deputy should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Office fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Chief Civil Deputy should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

### **1000.5.3 DOCUMENTING AND REPORTING**

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file. These files shall be stored in a secured manner and made available only to those who are authorized to participate in the selection process.

### **1000.5.4 RECORDS RETENTION**

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

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### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (RCW 43.101.095; RCW 43.101.200). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Unit should maintain validated standards for all positions.

#### **1000.7.1 STANDARDS FOR DEPUTIES**

Candidates shall meet the following minimum standards established by the Washington State Criminal Justice Training Commission (WSCJTC) (RCW 43.101.095):

- (a) Be eligible for WSCJTC certification
- (b) Submit to a psychological evaluation
- (c) Submit to a polygraph examination
- (d) Submit to a criminal history check
- (e) Not been convicted of a felony offense

# Evaluation of Employees

## 1001.1 PURPOSE AND SCOPE

The Sheriff's Office's employee performance evaluation system is designed to record work performance for both the Office and the employee, providing recognition for good work and developing a guide for improvement.

## 1001.2 POLICY

The Walla Walla County Sheriff's Office utilizes a performance evaluation report to measure 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 Office 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.

## 1001.3 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.



## *Evaluation of Employees*

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### 1001.3.1 RESERVE DEPUTY EVALUATIONS

Reserve deputy evaluations are covered under the Reserve Deputies Policy.

### 1001.4 FULL TIME PROBATIONARY PERSONNEL

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time civilian personnel during the probationary period.

Sworn personnel are on probation for 12 months from the date of BLEA graduation before being eligible for certification as permanent employees. Probationary deputies are evaluated daily, weekly and/or monthly during the probationary period.

### 1001.5 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 on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

**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.

#### 1001.5.1 RATINGS CRITERIA

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

**Outstanding** - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Exceeds Standards** - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

**Meets Standards** - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Needs Improvement** - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

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**Unsatisfactory** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

### **1001.6 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.

### **1001.7 EVALUATION REVIEW**

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Chief Deputy). The Chief Deputy shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Chief Deputy shall evaluate the supervisor on the quality of ratings given.

### **1001.8 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.

### **1001.9 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 of needs improvement or unacceptable, receives a Special Evaluation to document 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):

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1. The remedial training being provided.
  2. The timeline for providing the training.
  3. The timeline for evaluating the employee's subsequent performance.
  4. The consequences if the employee fails to perform.
  5. The desired outcome if the remediation is successful.
- (b) Prior to implementing the remedial training, the supervisor shall present the PIP to the employee who shall then be provided with ten days to respond with any objections or other comments.
- (c) If the employee fails to provide a timely written response or expresses no desire to respond, the employee shall sign and date the PIP as acceptance of its terms.
- (d) If the employee provides a timely written response, any objections shall be adjudicated in accordance with the agency's grievance procedure.

The remedial training process is for use with all employees. It is not limited to use with probationary employees.

## Promotional and Transfer Policy

### 1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Walla Walla County Sheriff's Office.

#### 1002.1.1 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.

### 1002.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

- (a) Special Weapons and Tactics member.
- (b) Detective.
- (c) Marine Deputy.
- (d) Accident Investigator.
- (e) Field Training Officer.
- (f) K-9 Deputy.
- (g) D.A.R.E. Deputy.
- (h) School Resource Officer.
- (i) Range Master
- (j) Firearms Instructor

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- (k) Armorer

### **1002.2.1 DESIRABLE QUALIFICATIONS**

The following qualifications apply to consideration for transfer:

- (a) Three years experience.
- (b) Off 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.

### **1002.3 SELECTION PROCESS**

The following criteria apply to transfers.

- (a) Administrative evaluation as determined by the Sheriff. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.
- (b) The supervisor recommendations will be submitted to the Chief Deputy for whom the candidate will work. The Chief Deputy will schedule interviews with each candidate.
- (c) Based on supervisor recommendations and those of the Chief Deputy after the interview, the Chief Deputy will submit his/her recommendation(s) to the Sheriff.
- (d) Appointment by the Sheriff

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

### **1002.4 PROMOTIONAL SPECIFICATIONS**

Specifications for promotional opportunities are on file with the Walla Walla Personnel Unit.

# Grievance Procedure

## 1003.1 PURPOSE AND SCOPE

It is the policy of this 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 Office's philosophy is to promote a free verbal communication between employees and supervisors.

### 1003.1.1 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.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in the Discriminatory Harassment Policy; and personnel complaints related to consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of office policy, federal, state or local law set forth in the Personnel Complaints Policy.

## 1003.2 PROCEDURE

For all employees covered under a collective bargaining agreement (CBA), the grievance would be handled per the procedure listed in the CBA. For non-represented or appointed employees, if he/she believes that a grievance exists, as defined above, then that employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Chief Deputy of the affected division or bureau.
- (c) If a successful resolution is not found with the Chief Deputy, the employee may request a meeting with the Sheriff.
- (d) If the employee and the Sheriff are unable to arrive at a mutual solution, then the employee shall proceed as follows:
  1. Submit in writing a written statement of the grievance and deliver one copy to the Sheriff and another copy to the immediate supervisor and include the following information:

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- (a) The basis for the grievance (i.e., what are the facts of the case).
- (b) Allegation of the specific wrongful act and the harm done.
- (c) Identification of the specific policies, rules or regulations or allegedly violated.
- (d) What remedy you are seeking or goal you would like to accomplish from this grievance.
- (e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
- (f) The Sheriff will receive the grievance in writing. The Sheriff will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the Sheriff is considered final.

#### **1003.3 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.

#### **1003.4 GRIEVANCE RECORDS**

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administrative Services for inclusion into a secure file for all written grievances.

#### **1003.5 GRIEVANCE AUDITS**

The Chief Deputy 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 Chief Deputy 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 Chief Deputy should promptly notify the Sheriff.

## Anti-Retaliation

### 1004.1 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.

### 1004.2 POLICY

The Walla Walla 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.

### 1004.3 RETALIATION PROHIBITED

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

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

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



## *Anti-Retaliation*

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### **1004.4 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 Chief Civil Deputy.

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.

### **1004.5 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.

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### **1004.6 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.

### **1004.7 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 Command Staff for investigation pursuant to the Personnel Complaints Policy.

#### **1004.7.1 DISPLAY OF REPORTING PROCEDURES**

The Office 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).

### **1004.8 RECORDS RETENTION AND RELEASE**

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

### **1004.9 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

## 1005.1 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 Office of any past and current criminal convictions.

## 1005.2 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.

## 1005.3 REPORTING PROCEDURE

All members of this office and all retired deputies with an identification card issued by the Office 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 Office 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

### 1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

### 1006.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to provide a drug- and alcohol-free workplace for all members.

### 1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on Walla Walla County Sheriff's Office time can endanger the health and safety of 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 Supervisor 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).

#### 1006.3.1 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 Walla Walla County Sheriff's Office 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).

### 1006.4 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 Walla Walla County Sheriff's Office premises or on office 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.

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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).

### **1006.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Personnel Unit, their insurance providers 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.

### **1006.6 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 Walla Walla County Sheriff's Office.

### **1006.7 REQUESTING SCREENING TESTS**

A supervisor may request an employee to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

#### **1006.7.1 SUPERVISOR RESPONSIBILITY**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

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- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

### **1006.7.2 SCREENING TEST REFUSAL**

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

### **1006.8 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 Walla Walla County Sheriff's Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### **1006.9 CONFIDENTIALITY**

The Walla Walla County Sheriff's Office 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.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

## Sick Leave

### 1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable labor agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may 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) or the Washington Family Leave Act (FLA) (29 USC § 2601 et seq.; RCW 49.78.220 et seq.).

### 1007.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to provide eligible employees with a sick leave benefit.

### 1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (RCW 49.46.210). Sick leave is not considered vacation. Misuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment, inconsistent with their condition, or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 1007.3.1 NOTIFICATION

All members should notify the Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and,

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Office with no less than 10 days' notice of the impending absence (WAC 296-128-650).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

### 1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish verification supporting the need to be absent and/or the ability to return to work (WAC

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296-128-660). Members on an extended absence shall, if possible, contact their supervisors at specified intervals to provide an update on their absence and expected date of return.

### **1007.5 SUPERVISOR RESPONSIBILITIES**

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

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Personnel Unit as appropriate.
- (c) When appropriate, counseling members regarding inappropriate use of sick leave.
- (d) Referring eligible members to an available employee assistance program when appropriate.

### **1007.6 PERSONNEL UNIT**

The Chief Civil Deputy shall ensure:

- (a) Written or electronic notice is provided to each employee regarding applicable paid sick leave provisions as required by WAC 296-128-760.
- (b) This Sick Leave Policy is readily available to all employees.
- (c) Employee records are retained and preserved regarding paid sick leave information and data as required by WAC 296-128-010.

### **1007.7 RETALIATION**

No employee shall be retaliated against for using qualifying sick leave (WAC 296-128-770).



# Communicable Diseases

## 1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 1008.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Walla Walla County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1008.2 POLICY

The Walla Walla County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

## 1008.3 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes (WAC 296-823.100 et seq.):

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that office members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  - 1. Bloodborne pathogen mandates including but not limited to (WAC 296-823-110 et seq.):
    - (a) The identification of positions with the potential for exposure.

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- (b) Measures to eliminate or minimize occupational exposure and how members will be informed of those measures.
  - (c) A plan for the distribution and use of personal protective equipment (PPE) related to communicable diseases.
  - (d) Directions for appropriate labeling of contaminated items.
  - (e) Rules regarding worksite maintenance.
  - (f) Rules regarding waste.
  - (g) Confidentiality requirements and medical protocols.
  - (h) Maintenance of training and medical records.
2. The Washington Industrial Safety and Health Act (RCW 49.17.010 et seq.; WAC 296-800-110 et seq.).
  3. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

The ECO should also act as the liaison with the Washington Division of Occupational Safety and Health (DOSH) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan (WAC 296-823-11010).

### **1008.4 EXPOSURE PREVENTION AND MITIGATION**

#### **1008.4.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or office vehicles, as applicable.
- (b) Wearing office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

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1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

### 1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (WAC 296-823-130).

## **1008.5 POST EXPOSURE**

### 1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

### 1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (WAC 296-823-16005):

- (a) Name and date of birth of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited.

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The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

### 1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (WAC 296-823-16005).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

### 1008.5.4 COUNSELING

The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (WAC 296-823-16005).

### 1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO (WAC 296-823-16010). If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) In the event that consent cannot be obtained, by contacting the local health authority who may pursue testing of the source individual for HIV or other communicable diseases (RCW 70.24.340; WAC 246-100-205).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the Prosecuting Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

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### **1008.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

### **1008.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training shall include the mandates provided in WAC 296-823-12005 et seq. and:

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Shall provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

# Smoking and Tobacco Use

## 1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Walla Walla County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

## 1009.2 POLICY

The Walla Walla County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Office and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all office facilities, buildings and vehicles, and as is further outlined in this policy (RCW 70.160.030).

## 1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Walla Walla County Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

## 1009.4 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).

### 1009.4.1 NOTICE

The Sheriff or the authorized designee shall ensure that proper signage prohibiting smoking is conspicuously posted at each entrance to the department facilities (RCW 70.160.050).

## Personnel Complaints

### 1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Walla Walla County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

### 1010.2 POLICY

The Walla Walla County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any memorandum of understanding or collective bargaining agreements.

It is also the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation.

### 1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.

#### 1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Shift Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Command Staff, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Command Staff, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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### 1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

### 1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

#### 1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the sheriff's facility and be accessible through the office website. Forms may also be available at other County facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

#### 1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

### 1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Office should audit the log and send an audit report to the Sheriff or the authorized designee.

### 1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.



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#### 1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

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

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
  - 1. The original complaint form will be directed to the Shift Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. 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 member's Chief Deputy or the Sheriff, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.
  - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Supervisor.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and Sheriff are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Personnel Unit and the Shift Supervisor for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Shift Supervisor, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
  - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

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- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Command Staff, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Walla Walla County Sheriff's Office or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
  - 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

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- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) 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.
- (l) An employee covered by civil service shall be provided a written statement of all accusations with a duplicate statement filed with the civil service commission (RCW 41.12.090; RCW 41.14.120).

### 1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

### 1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

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### **1010.6.5 COMPLETION OF INVESTIGATIONS**

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

### **1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS**

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

### **1010.7 ADMINISTRATIVE SEARCHES**

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

### **1010.8 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

### **1010.9 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or 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 practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Walla Walla County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

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### **1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

#### **1010.10.1 CHIEF DEPUTY RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Chief Deputy of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Chief Deputy may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Chief Deputy may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Chief Deputy shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

#### **1010.10.2 SHERIFF RESPONSIBILITIES**

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the Chief Deputy for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Sheriff in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.
  - 1. Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.
  - 2. If the member elects to respond orally, the presentation shall be recorded by the Office. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

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### 1010.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

### 1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) 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.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

### 1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

### 1010.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, memorandum of understanding and/or personnel rules.

In the event of punitive action against an employee covered by civil service, the appeal process shall be in compliance with RCW 41.12.090 and RCW 41.14.120.

### 1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be

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afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

Any probationary period may be extended at the discretion of the Sheriff in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

#### **1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

#### **1010.16 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC) CERTIFICATION BOARD**

Upon termination of a peace officer for any reason, including resignation, the Office shall, within 15 days of the termination, notify the CJTC on a personnel action report form provided by the commission. The Office shall, upon request of the 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).

## Seat Belts

### 1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

#### 1011.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 and RCW 46.61.687(6).

### 1011.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

### 1011.3 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 office while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Office, are properly restrained (RCW 46.61.688; RCW 46.61.687).

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 office member or the public. Members must be prepared to justify any deviation from this requirement.

### 1011.4 TRANSPORTING CHILDREN

A child restraint system shall be used for all children of an age, height or weight for which such restraints are required by law (RCW 46.61.687).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side air bag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.



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### **1011.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES**

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints (WAC 204-41-030).

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

### **1011.6 INOPERABLE SEAT BELTS**

Office vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Office vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

### **1011.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

### **1011.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1012.2 POLICY

It is the policy of the Walla Walla 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.

### 1012.3 ISSUANCE OF BODY ARMOR

The Administrative Services supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the Walla Walla County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Services supervisor 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.

#### 1012.3.1 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 Office 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.

#### 1012.3.2 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

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armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

#### **1012.3.3 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.

#### **1012.4 RANGEMASTER RESPONSIBILITIES**

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Office 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 Records

### 1013.1 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 Office to maintain the confidentiality of peace officer personnel records pursuant to the exemptions listed in subsections of RCW 42.56.

### 1013.2 POLICY

It is the policy of this office to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Washington.

### 1013.3 OFFICE FILE

The office file shall be maintained as a record of a person's employment/appointment with this office. The office file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the office file after the member has had the opportunity to read and initial the comment.
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment..
  - 2. Any member response shall be attached to and retained with the original adverse comment.
  - 3. If a member 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 member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

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### **1013.4 DIVISION FILE**

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

### **1013.5 TRAINING FILE**

An individual training file shall be maintained by the Chief Deputy for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Chief Deputy or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Chief Deputy or supervisor shall ensure that copies of such training records are placed in the member's training file.

### **1013.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Command Staff in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Command Staff supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's office file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

### **1013.7 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

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- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

### **1013.8 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Board of County Commissioners, Prosecuting Attorney or other attorneys or representatives of the County in connection with official business.

#### **1013.8.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Public Records Officer or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member 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 may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

#### **1013.8.2 RELEASE OF PERSONNEL INFORMATION**

The Office may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

### **1013.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS**

Any member may request access to his/her own personnel records annually during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Sheriff through the chain of command. The Office shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Office shall be retained with the contested item in the member's corresponding personnel record (RCW 49.12.250).

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### *Personnel Records*

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Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Office for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for office planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Office and the member that may be discovered in a judicial proceeding.

#### **1013.10 RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.
- (c) If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

# Request for Change of Assignment

## **1014.1 PURPOSE AND SCOPE**

It is the intent of the 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.

## **1014.2 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 Chief Deputy.

### **1014.2.1 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.

## **1014.3 SUPERVISOR'S COMMENTARY**

The deputy's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Chief Deputy of the employee involved. In the case of patrol deputies, the Shift Supervisor must comment on the request with his/her recommendation before forwarding the request to the Chief Deputy. If the Shift Supervisor does not receive the Change of Assignment Request Form, the Chief Deputy will initial the form and return it to the employee without consideration.



## Commendations and Awards

### 1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Walla Walla County Sheriff's Office.

### 1015.2 POLICY

It is the policy of the Walla Walla County Sheriff's Office to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members through commendations and awards.

### 1015.3 COMMENDATIONS

Commendations for members of the Walla Walla County Sheriff's Office or for individuals from the community may be initiated by any office member or by any person from the community.

#### 1015.3.1 COMMENDATION INCIDENT REPORT

The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

- (a) Employee name, bureau, and assignment at the date and time of the commendation.
- (b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate.
- (c) Signature of the commending supervisor.

Completed reports shall be forwarded to the appropriate Chief Deputy for his/her review. The Chief Deputy shall sign and forward the report to the Sheriff for his/her review.

The Sheriff will return the commendation to the employee for his/her signature. The report will then be returned to the Administrative Assistant for entry into the employee's personnel file.

### 1015.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

#### 1015.4.1 MEMBER DOCUMENTATION

Members of the Walla Walla County Sheriff's Office should document meritorious or commendable acts. The documentation should contain:

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### *Commendations and Awards*

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- (a) Identifying information:
  - 1. For members of the [DepartmentOffi- name, division and assignment at the date and time of the meritorious or commendable act
  - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

#### 1015.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Office members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
  - (a) For members of the Office - name, division and assignment at the date and time of the meritorious or commendable act.
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

#### 1015.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Walla Walla County Sheriff's Office should be forwarded to the appropriate Chief Deputy for his/her review. The Chief Deputy should sign and forward the documentation to the Sheriff for his/her review.

The Sheriff or the authorized designee will present the commendation to the member for his/her signature. The documentation will then be returned to the Administrative Assistant for entry into the member's personnel file.

#### 1015.5 AWARDS

Awards may be bestowed upon members of the Walla Walla County Sheriff's Office. These awards include:

- Sheriff's Star.
- Medal of Valor.
- Lifesaving Medal.
- Distinguished Service Achievement Medal.
- Sgt Tom Bowman-Deputy of the Year Award.

Criteria for each award and the selection, presentation and display of any award are determined by the Sheriff.

## **Fitness for Duty**

### **1016.1 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 office remain fit for duty and able to perform their job functions.

### **1016.2 EMPLOYEE RESPONSIBILITIES**

- (a) It shall be the responsibility of each member of this office to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.
- (b) Each member of this office 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.

### **1016.3 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 Office to assess options and react responsibly to assure the safety of the employee, other members of the Office and the public, while complying with the employee's legal rights.
- (d) In conjunction with the Shift Supervisor or employee's available Chief Deputy, 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.

## *Fitness for Duty*

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### **1016.4 RELIEF FROM DUTY**

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family medical leave under state and/or federal law. Consult with Human Resources to assure proper notification and compliance with family medical leave rights. Employees who are relieved from duty for medical reasons may be eligible for workers compensation payments or may be required to use sick leave or other paid time off 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.

### **1016.5 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 Personnel Unit 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 Office 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 Office 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.

## *Fitness for Duty*

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### **1016.6 LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period, or
- 30 hours in any 2 day (48 hour) period, or
- 84 hours in any 7 day (168 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.

### **1016.7 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 Personnel Complaints Policy.

## Meal Periods and Breaks

### 1017.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all County employees that has been established by the Board of County Commissioners.

#### 1017.1.1 MEAL PERIODS

While on duty, deputies will be permitted to suspend patrol or other assigned activity on approval of their supervisor. Deputies are required to be available for immediate call at any time during their shift, including meals and other breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic deputies shall request clearance from Dispatch prior to taking a meal period. Uniformed deputies shall take their breaks within the County limits unless on assignment outside of the County.

The time spent for the meal period shall not exceed thirty (30) minutes for sworn employees and 60 minutes for non-sworn and can not be combined with additional fifteen minutes breaks as outlined below.

#### 1017.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor. These 15 minute breaks are not to be combined with meal periods.

Employees normally assigned to the sheriff's facility shall remain in the sheriff's facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field deputies will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field deputies take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Dispatch.

## Lactation Break Policy

### 1018.1 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.

### 1018.2 POLICY

It is the policy of this office 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).

### 1018.3 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 Dispatch or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt office operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1018.4 PRIVATE LOCATION

The Office 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.

## *Lactation Break Policy*

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### **1018.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the employee ends her shift.



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## Payroll Record Procedures

### 1019.1 PURPOSE AND SCOPE

Payroll records are submitted to Administrative Services on a monthly basis for the payment of wages.

#### 1019.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

All employees are responsible for the accurate and timely submission of payroll records for the payment of wages. Completed time cards shall be submitted to a supervisor for approval prior to submission to Administrative Services.

#### 1019.1.2 TIME REQUIREMENTS

All employees are paid on a monthly basis usually on the last day of the month with certain exceptions such as holidays or weekends. Payroll records shall be completed and submitted to Administrative Services no later than eight (8) days before the end of the pay period, unless specified otherwise.

# Overtime Compensation Requests

## 1020.1 PURPOSE AND SCOPE

It is the policy of the 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 Agreement or any Memorandum of Understanding (MOU), 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.

### 1020.1.1 OFFICE POLICY

Because of the nature of police work, and the specific needs of the Office, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the 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 instigated at the employee's request. 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 70 hours of compensatory time.

## 1020.2 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 Administrative Services Division. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

### 1020.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Shift Supervisor. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Shift Supervisor the first day after returning for work.

### 1020.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time card, the overtime payment request form is forwarded to the employee's Chief Deputy for final approval.

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### *Overtime Compensation Requests*

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#### 1020.2.3 CHIEF DEPUTYS RESPONSIBILITY

Chief Deputies, after approving payment, will then forward the form to the Sheriff for review.

#### 1020.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Collective Bargaining Agreement or any Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

##### 1020.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	$\frac{1}{4}$ hour
16 to 30 minutes	$\frac{1}{2}$ hour
31 to 45 minutes	$\frac{3}{4}$ hour
46 to 60 minutes	1 hour

##### 1020.3.2 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 Supervisor 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

## 1021.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Sheriff's Office employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

### 1021.1.1 DEFINITIONS

**Outside Employment** - Any member of this office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this office 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 office for services, product(s) or benefits rendered.

**Outside Overtime** - Any member of this office who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this office so that the Sheriff's Office may be reimbursed for the cost of wages and benefits.

## 1021.2 OBTAINING APPROVAL

No member of this office may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete 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 for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

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.

### 1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Office, 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 current Memorandum of Understanding (MOU).

## *Outside Employment*

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### 1021.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at his/her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit 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 permit may be subjected to similar restrictions as those applicable to the employee's regularly assigned duties until the employee has been cleared to return to full duty status.

### 1021.3 PROHIBITED OUTSIDE EMPLOYMENT

The Office 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 Sheriff's Office time, facilities, equipment or supplies, the use of the WWSO 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 office 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 office.
- (c) Involve the performance of an act in other than the employee's capacity as a member of this office that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this office.
- (d) Involve time demands that would render performance of the employee's duties for this office less efficient or render the employee unavailable for reasonably anticipated overtime assignments, call-backs, and other job-related demands that occur outside regular working hours.

By way of illustration, outside employment must not:

- (a) Interfere with the efficiency of law enforcement and public safety:

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### *Outside Employment*

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- (b) Be any occupation which would tend to lower the dignity of law enforcement services, detract from the image of law enforcement, or conflict with any Sheriff's Office policy or regulation.
- (c) Have any connection with the towing of vehicles.
- (d) Be
- (e) Be of any employment which requires or could utilize access to Sheriff's Office records in the performance of off-duty employment.
- (f) Be any employment which assists in any manner in the case preparation for the defense of criminal cases.
- (g) Be any employment on any event wherein illegal activities are involved.
- (h) Involved the use of Sheriff's Office authority as an element or expectation of the job.
- (i) Result in an unusual sick or absence record in a member's primary Sheriff's Office employment, and time expended in performance of off-duty employment shall not exceed time required to be devoted to primary Sheriff's Office employment.

#### 1021.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Because it would further create a potential conflict of interest, no member of this Office may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position while in a Sheriff's Office uniform.

Any private organization, entity or individual seeking special services for security or traffic control from members of this office must submit a written request to the Sheriff in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Office.

- (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, any employees working outside overtime shall be subject to the following conditions:
  - 1. The deputy(s) shall wear the departmental uniform/identification.
  - 2. The deputy(s) shall be subject to the rules and regulations of this 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.
  - 5. Outside security services shall not be subject to the collective bargaining process.

## *Outside Employment*

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6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

### **1021.3.2 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.

### **1021.3.3 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.

### **1021.4 DEPARTMENT RESOURCES**

Employees are prohibited from using any office 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 office or other agencies through the use of the employee's position with this office.

#### **1021.4.1 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 Sheriff's Office 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 permit. If, after approving a request for an outside employment position, the Office becomes concerned that a conflict of interest exists based on a financial reason, the Office 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 permit may be revoked pursuant to REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS.

### **1021.5 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.

### *Outside Employment*

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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.

#### **1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Sheriff's Office 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 permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Walla Walla County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the permit.



# Occupational Disease and Work-Related Injury Reporting

## 1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, post-traumatic stress disorder (PTSD), and work-related injuries.

### 1022.1.1 DEFINITIONS

Definitions related to this policy include:

**Occupational disease or work-related injury** - An injury, disease, PTSD, or infection while acting in the course of employment (RCW 51.08.013; RCW 51.08.100; RCW 51.08.140; RCW 51.08.142).

## 1022.2 POLICY

The Walla Walla County Sheriff's Office will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (RCW 51.28.010 et seq.).

## 1022.3 RESPONSIBILITIES

### 1022.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

### 1022.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and the Accident, Illness and Injury Prevention policies apply and take additional action as required.

### 1022.3.3 CHIEF DEPUTY RESPONSIBILITIES

The Chief Deputy who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff, the County's risk management entity, and the Administrative Services Chief Deputy to ensure any required Department of Labor and Industries reporting is made as required in the accident, illness and injury prevention plan identified in the Accident, Illness and Injury Prevention Policy.

## *Occupational Disease and Work-Related Injury Reporting*

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### **1022.3.4 SHERIFF RESPONSIBILITIES**

The Sheriff shall review and forward copies of the report to the Personnel Unit. Copies of the report and related documents retained by the Office shall be filed in the member's confidential medical file.

### **1022.4 OTHER DISEASE OR INJURY**

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Chief Deputy through the chain of command and a copy sent to the Administrative Services Chief Deputy.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

### **1022.5 SETTLEMENT OFFERS**

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

#### **1022.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

# Personal Appearance Standards

## 1023.1 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.

## 1023.2 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.

### 1023.2.1 HAIR

Hairstyles of all members shall be neatly groomed and of conservative length and cut. Eccentricities in cut or style are not permitted.

For male sworn members, hair must not touch the shirt collar, not extend over the ear, and must be clipped at the sides so as to be evenly graduated. Sideburns will not extend below the bottom of the earlobe and shall end with a clean horizontal line and not flare out at the bottom. Hair will be styled in such a manner that it does not interfere with the proper wearing of uniform headgear or any specialized equipment assigned for use.

For female sworn members, hair must be a conservative style which will not interfere with security and effectiveness when dealing with violators. Hair will be styled in such a manner that it does not interfere with the proper wearing of the uniform headgear or any specialized equipment assigned for use. Hair should be above the ear or pulled to the back.

Non-uniform personnel performing normal Sheriff's Office functions will adhere to the same basic hair code as defined for uniform personnel, but final determination will be at the discretion of the Sheriff. Members excused from these regulations because of special assignment shall be in compliance with these regulations when wearing the uniform.

### 1023.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not exceed the upper lip line, nor extend more than 1/4" out beyond the corners of the mouth.

### 1023.2.3 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Sheriff or his/her designee.

## *Personal Appearance Standards*

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### **1023.2.4 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.

### **1023.2.5 JEWELRY AND ACCESSORIES**

Members may wear rings, provided they are of a design not likely to cause injury. Necklaces will not be visible if worn with the uniform. Bracelets (except medical alert emblems) will not be worn with the uniform. Uniformed deputies may wear earrings which do not extend below the ear lobe, and only one per ear.

Watchbands will be of conservative style, not generally wider than the face of the watch.

### **1023.3 TATTOOS**

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.

### **1023.4 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

## 1024.1 PURPOSE AND SCOPE

The uniform policy of the Walla Walla 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 policies:

- Department Owned and Personal Property
- Body Armor
- 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.

The Walla Walla County Sheriff's Office will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

## 1024.2 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 appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform 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) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.

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### *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) Mirrored sunglasses will not be worn with any Department uniform.
- (k) 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.

#### 1024.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department 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 Chief Deputy.

Carrying the badge and identification card off-duty is optional. The identification card and any other means of identification must be displayed whenever the identity of the member is questioned. Members are not permitted to lend their identification or badges to other persons, or permit these items to be photographed or reproduced without the approval of the Sheriff.

#### 1024.3 UNIFORM CLASSES

##### 1024.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie.
- (b) Full color WWSO uniform patch on left shoulder.
- (c) Full color USA patch on right shoulder.
- (d) Service stripes on left sleeve - one hashmark per three years of service.
- (e) Metal name plate worn on right pocket flap.

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- (f) Gold tie bar to be worn in line with the bottom of pocket flap.
- (g) Class A uniform buttons.
- (h) Polished black shoes.

Boots with pointed toes are not permitted.

#### 1024.3.2 CLASS B UNIFORM

All deputies will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required.
- (b) Pants will be Class B trousers.
- (c) A black crew neck t-shirt must be worn with the uniform.
- (d) All shirt buttons must remain buttoned except for the last button at the neck.
- (e) Patches will be OD Green/Black subdued.
- (f) No service stripes are permitted.
- (g) Shoes for the Class B uniform may be as described in the Class A uniform.
- (h) Approved all black unpolished shoes may be worn.
- (i) Boots with pointed toes are not permitted.

#### 1024.3.3 CLASS C UNIFORM

The Class C uniform will be a department-issued jumpsuit. It will be consistent in appearance with the Class B uniform. Deputies will be allowed to wear the Class C uniform as an alternative to the Class B uniform while on patrol or special uniformed duty assignments.

#### 1024.3.4 CLASS D UNIFORM

The Class D uniform may be personally purchased and worn for training. With prior approval, the Class D uniform may be worn for special work assignments and soft clothes assignments. If purchased, the shirts shall be embroidered with the WWSO star logo design, not a badge or patch, and must be done by an approved vendor. Embroidering last name only on a shirt is a personal option and is not mandatory.

Class D shirts shall be 5.11 polos (long sleeve and short sleeve) in Silver Tan. Class D pants shall 5.11 Tactical Pants in Tundra.

Belts and footwear must be appropriate and professional in appearance.

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#### 1024.3.5 SPECIALIZED UNIT UNIFORMS

The Sheriff may authorize special uniforms to be worn by deputies in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Deputies and other specialized assignments.

#### 1024.3.6 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

#### 1024.4 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes, stars, etc. - Service stripes and other indicators for length of service shall be worn on long sleeved Class A shirts. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's last name. The nameplate shall be worn and placed on the right pocket flap located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Sheriff.
- (f)
- (g) Badge - The department issued badge must be worn and visible at all times while in uniform.
- (h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff may authorize exceptions.

#### 1024.4.1 MOURNING BAND

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) A 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 deputy.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.



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- (e) As directed by the Sheriff.

### **1024.5 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) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
  - 1. T-shirt alone.
  - 2. Open toed sandals or thongs.
  - 3. Swimsuit, tube tops, or halter-tops.
  - 4. Spandex type pants or see-through clothing.
  - 5. Distasteful printed slogans, buttons or pins.
- (e) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Walla Walla County Sheriff's Office or the morale of the employees.

### **1024.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Sheriff, Walla Walla 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 Walla Walla County Sheriff's Office, to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause or religion.

## *Uniform Regulations*

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- (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.

### **1024.7 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 (See the Department Owned and Personal Property Policy).

### **1024.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Walla Walla 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.

Walla Walla 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

## 1025.1 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 office. 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.

### 1025.1.1 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 Office 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 officeemployee'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.

## 1025.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Office 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.

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### *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 Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Office, 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.
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- (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 office 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.

#### 1025.2.1 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.

#### 1025.2.2 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

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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

## 1026.1 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).

### 1026.1.1 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 and any person appointed or elected to carry out the duties of the sheriff under RCW Chapter 36.28.

## 1026.2 OFFICE RESPONSIBILITIES

Walla Walla 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 Walla Walla 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 Walla Walla 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 deputy.
- (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.

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### *Domestic Violence Involving Law Enforcement Employees*

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- (i) Provide victims of domestic violence by Walla Walla County Sheriff's Office employees an agency 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 Walla Walla 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 Walla Walla County Sheriff's Office employees who are alleged victims of violence at the hands of sworn employees of the Walla Walla 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 Walla Walla County Sheriff's Office or through agreements with other law enforcement agencies
- (m) Consider whether to relieve a sworn employee of Walla Walla County Sheriff's Office issued weapons and suspend law enforcement powers pending resolution of an investigation.

#### 1026.2.1 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.

#### 1026.2.2 COMMAND DUTY OFFICER RESPONSIBILITIES

A command duty officer notified of an incident covered by this policy shall notify the Sheriff promptly of such incident and:

- (a) If an WWSO employee is involved they shall:
  - 1. Determine if the involved employee's law enforcement powers shall be suspended and if duty weapon, and other Walla Walla County Sheriff's Office owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.
  - 2. Issue an administrative order prohibiting contact with the victim, if appropriate.
  - 3. Forwarded information on the incident to the professional standards unit and/or the Sheriff for review and further action.
  - 4. Respond or designate a command officer to respond to a scene if the involved employee is a sergeant or above or if the situation dictates command presence.

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### *Domestic Violence Involving Law Enforcement Employees*

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- (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 Walla Walla County Sheriff's Office provides appropriate reports and any other requested documentation to the employing agency.

#### **1026.2.3 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 office, 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.

#### **1026.3 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 Command Staff as soon as possible, but no later than 24 hours. Failure to report may subject the employee to disciplinary action.
- (c) Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.



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### *Domestic Violence Involving Law Enforcement Employees*

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- (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 Command Staff 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 Command Staff 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 an order of protection under RCW 26.50.020 et seq. 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.

#### **1026.4 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 office (RCW 10.99.030). These incidents additionally require:

- (a) On-scene supervisory presence.
- (b) Notification through the chain of command to the Sheriff; 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.

##### **1026.4.1 RADIO RESPONSE**

Employees of Dispatch will ensure the following actions are taken:

- (a) Enter a call for service.

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### *Domestic Violence Involving Law Enforcement Employees*

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- (b) Notify the Shift Supervisor 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.

#### 1026.4.2 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.

#### 1026.4.3 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

- (a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this office regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.
- (b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Walla Walla County Sheriff's Office involving any law enforcement officer.

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- (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 Walla Walla County Sheriff's Office, contact the Sheriff who will order the surrender of the deputy's Walla Walla County Sheriff's Office 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 WWSO contact information, acting as the point of contact until another assignment is made.

#### **1026.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION**

The Walla Walla 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.
- (f) The Walla Walla 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

### 1027.1 PURPOSE AND SCOPE

The Walla Walla County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Walla Walla County Sheriff's Office are the property of the Department and their use shall be restricted as set forth in this policy.

### 1027.2 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.

#### 1027.2.1 FLAT BADGE

Sworn deputies, with the written approval of the Sheriff 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 Walla Walla County Sheriff's Office with the written approval of the Sheriff.
- (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 the Department Owned and Personal Property Policy.
- (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.

#### 1027.2.2 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. Support Services Specialists, Civil Process Officer).

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.

#### 1027.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement deputies may request a "honorably retired" banner placed above the rank banner on his/her assigned duty badge for display purposes.

## *Department Badges*

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- (a) 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.
- (b) A reasonable effort will be made to have the banner installed on the badge in a timely manner so the badge may promptly be returned to the retiree.
- (c) Additionally, a honorably retired deputy may request to purchase a new "honorably retired badge or flat badge directly from the badge vendor, with prior approval of the Sheriff.

### **1027.3 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 civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Sheriff.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### **1027.4 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 Walla Walla County Sheriff's Office. The following modifications shall be included:
  - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
  - 2. The badge number portion displays the initials of the employee association.
- (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

## 1028.1 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 Office 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.

## 1028.2 POLICY

Subject to operational considerations, the Walla Walla 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 Office with a productive employee during the temporary period.

## 1028.3 DEFINITIONS

**Temporary Modified Duty:** A short term work assignment for limited job functions for employees who are temporarily unable to perform their regular duties due to illness, injury or disability.

**Modified duty; Limited duty; Light duty:** The short term elimination of certain job functions the employee is unable to perform due to temporary medical restrictions.

**Alternative duties:** Assigned duties during Temporary Modified Duty that are not part of the employee's regular body of work.

## 1028.4 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.

- (a) No position in the Walla Walla County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.
- (b) Temporary modified-duty assignments are a management prerogative and not an employee right.
- (c) The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Office.
- (d) 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.

## *Temporary Modified-Duty Assignments*

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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 or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

The Sheriff or his designee, may assign alternative duties.

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### **1028.5 TIMEFRAMES**

- (a) Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.
  - 1. However due to administrative functions of outside agencies not under the control of the WWSO, (ie: Dept of Labor & Industries), the initial time may exceed 1,040 hours but not more than 1,560 hours.
  - 2. Before the end of the 1,560 hours, a three (3) month extension may be offered under the following circumstances:
    - (a) The employee's license doctor provides written documentation that the employee would, on a more likely than not basis, be able to return to their regular duties at the end of the three (3) month extension.
    - (b) The granting of this three (3) month extension lies completely within the discretion of the Sheriff.
  - 3. At the end of the first three (3) month extension, an additional three (3) month extension may be offered under the same circumstances as the first three (3) month extension.
- (b) The timeframe for holding open a regular job position will be for a minimum of six (6) months up to a maximum of nine (9) months for the first assignment.
- (c) The maximum total timeframe for holding open a regular job position will be fifteen (15) months with all extensions included.
- (d) These timeframes are general guidelines and are subject to modification on a case by case basis. This policy is not intended to conflict with or interfere with an employee's rights pursuant to the Family Medical Leave Act (FLMA) or the Americans with Disabilities Act (ADA). An FMLA leave taken will run concurrently with the above-referenced timeframes.

### **1028.6 PROCEDURE**

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses. On occasion, the Sheriff's Office may offer a temporary modified duty assignment on its own initiative in connection with a worker's compensation matter or where issues & concerns have arisen regarding an employee's ability to perform regular job duties.

## *Temporary Modified-Duty Assignments*

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

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (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 Chief Deputy will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the Office and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Personnel Unit or the Prosecuting Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Supervisor or Chief Deputy, with notice to the Sheriff.

### **1028.7 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 office operations and the employee's medical appointments, as mutually agreed upon with the Chief Deputy.

#### **1028.7.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include, but are not 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 no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Chief Deputy that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

#### **1028.7.2 SUPERVISOR RESPONSIBILITIES**

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



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### *Temporary Modified-Duty Assignments*

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

- (a) Periodically apprising the Chief Deputy of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Chief Deputy 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.

#### 1028.7.3 CHIEF CIVIL DEPUTY RESPONSIBILITIES

When the Chief Civil Deputy becomes aware that an employee will be or is absent from work for more than three (3) work shifts due to a medical condition, the Chief Civil Deputy will assist the employee and should consider accomplishing the following on a case by case basis:

- (a) Contact the employee to determine the cause of the medical condition, type of medical condition, and anticipated length of absence.
- (b) Review this policy with the employee,
- (c) Discuss the possibility of working a Temporary Modified Duty assignment and determine the employee's desire to work, or not to work, such an assignment,
- (d) Document the employee's statements regarding the cause of the medical condition, type of medical condition, anticipated length of absence, and the employee's stated desire to work, or not to work, a transitional duty assignment,
- (e) Provide the employee with any needed forms or information regarding on-duty injuries and illnesses, and off-duty injuries, illnesses, and disabilities,
- (f) Ensure a copy of the employee's job description and WWSO Return to Work (RTW) form is provided to the employee so that they may submit them to their health care provider,
- (g) When submitted by the employee, ensure the employee's job description was reviewed and the WWSO Return to Work (RTW) form was completed by the employee's licensed doctor,
- (h) Review the WWSO Return to Work (RTW) form for thoroughness, accuracy, and any other issues which may affect the employee's ability for transitional duty.
- (i) If submitted, accept and process the employee's written request for a transitional duty assignment,
- (j) If the employee is assigned to Operations Division, review with the Chief Criminal Deputy,
- (k) Review with the Sheriff,
- (l) Review with and forward the appropriate copies of completed forms to the County Human Resources/ Risk Manager.

## *Temporary Modified-Duty Assignments*

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### **1028.8 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 unreasonable restrictions or limitations.

The WWSO Return to Work (RTW) form shall be completed, signed by their medical professional and turned in to the Chief Civil Deputy. The RTW must contain the following information:

- (a) Any restrictions or accommodations that may be necessary for the employee to return to their regular job
- (b) Date of release.

The Sheriff's Office may or may not be able to comply with all restrictions or requested accommodations.

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

If an employee is deemed unable to fully and completely perform their regular job duties or functions by their doctor, or the nine/twelve/fifteen (9/12/15) month timeframe as previously outlined has expired, and assuming there are no vacant positions for which the employee is qualified, the Sheriff's Office may initiate a medical separation from employment. The Sheriff will send a written notice to the employee advising of the intent to implement separation and will be offered an opportunity to meet and discuss the action.

### **1028.9 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.

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under RCW 43.10.005 or WAC 357-26-030 et seq.

#### **1028.9.1 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.

### **1028.10 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.

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### **1028.11 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 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

## 1029.1 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 Office.

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.

### 1029.1.1 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.

## 1029.2 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 office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Walla Walla County Sheriff's Office will carefully balance the individual employee's rights against the Office's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1029.3 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 Walla Walla County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- 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.

#### **1029.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the Sheriff Office's '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 Walla Walla 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 Walla Walla County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Walla Walla 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 Sheriff's Office. 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 Walla Walla 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 Sheriff's Office for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee (RCW 9A.68.020).
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of Sheriff Office's logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Walla

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Walla 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 office-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).

#### 1029.4.1 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 Walla Walla County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Walla Walla 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 office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Walla Walla County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

## *Employee Speech, Expression and Social Networking*

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### **1029.5 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to emails, 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 (see the Information Technology Use Policy for additional guidance).

### **1029.6 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 Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Office.
- (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 Office.

### **1029.7 TRAINING**

Subject to available resources, the Office should provide training regarding employee speech and the use of social networking to all members of the Office.

# Accident, Illness and Injury Prevention

## 1030.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Walla Walla County Sheriff's Office, in accordance with the requirements of an Accident, Illness and Injury Prevention Program (AIIPP) (WAC 296-800-140 et seq.).

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Countywide safety efforts.

## 1030.2 POLICY

The Walla Walla County Sheriff's Office is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related accidents, illness and injuries. The Walla Walla County Sheriff's Office will establish and maintain an AIIPP and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Walla Walla County Sheriff's Office to comply with all laws and regulations related to occupational safety.

## 1030.3 ACCIDENT, ILLNESS AND INJURY PREVENTION PLAN

The Chief Civil Deputy is responsible for developing an accident, illness and injury prevention plan that shall include (WAC 296-800-14005):

- (a) A description of the entire accident, illness and injury plan, including workplace safety and health training programs.
- (b) A safety orientation that covers all components of the AIIPP.
- (c) Regularly scheduled safety meetings.
- (d) Posted or distributed safety information (WAC 296-800-19005; WAC 296-800-20005).
- (e) A system for members to anonymously inform management about workplace hazards.
- (f) Establishment of a safety and health committee that will (WAC 296-800-130):
  - 1. Meet regularly.
  - 2. Prepare a written record of safety and health committee meetings.
  - 3. Review the results of periodic scheduled inspections.
  - 4. Review investigations of accidents and exposures.
  - 5. Make suggestions to command staff for the prevention of future incidents.
  - 6. Review investigations of alleged hazardous conditions.



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### *Accident, Illness and Injury Prevention*

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7. Submit recommendations to assist in the evaluation of member safety suggestions.
  8. Assess the effectiveness of efforts made by the Office to meet applicable standards (WAC 296-800-100 et seq.).
- (g) Establishing a process to ensure workplace accidents involving a fatality or in-patient hospitalization of any member are reported as required to the Washington Department of Labor and Industries (WAC 296-27-031).
  - (h) On-the-job review and training of the practices necessary to perform the initial job assignments in a safe manner and how to properly address hazards.
  - (i) Instruction on reporting injuries and location of first-aid facilities.
  - (j) The use and care of required personal protective equipment (PPE).
  - (k) The proper actions to take during emergencies, including the routes for exiting work areas.
  - (l) Identification of the hazardous gases, chemicals or materials, along with the instructions on their safe use and emergency action following accidental exposure.
  - (m) The development, supervision, implementation and enforcement of training programs to improve the skill, awareness and competency of all members regarding occupational safety and health (WAC 296-800-14020).

#### **1030.3.1 SAFETY COMMITTEE**

The Walla Walla County Sheriff's Office maintains a safety committee to communicate and evaluate safety and health issues that may affect members and to promote a safe and healthy work environment. The safety committee should include employee-elected and office-selected members. The number of employee-elected members must equal or exceed the number of office-selected members. A chairperson of the committee shall be elected (WAC 296-800-13020).

The safety committee will:

- (a) Review safety and health inspection reports to help correct safety standards.
- (b) Evaluate accident investigations conducted since the last meeting to determine if the causes of the unsafe situation were identified and corrected.
- (c) Evaluate the AIIPP and discuss recommendations for improvement, if needed.
- (d) Document attendance.
- (e) Write down the subject discussed.
- (f) Prepare minutes of each meeting that shall be made available for review by safety and health consultation personnel of the Washington Department of Labor and Industries.

#### **1030.4 CHIEF CIVIL DEPUTY RESPONSIBILITIES**

The responsibilities of the Chief Civil Deputy include, but are not limited to:

- (a) Managing, implementing and enforcing a plan to reduce the incidence of member accident, illness and injury (WAC 296-800-14025).

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- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
  - 1. New member orientation that includes a discussion of safety and health policies and procedures.
  - 2. Regular member review of the accident, illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:
  - 1. Informing members of the accident, illness and injury prevention guidelines.
  - 2. Recognizing members who perform safe work practices.
  - 3. Ensuring that the member evaluation process includes member safety performance.
  - 4. Ensuring [department]offic compliance to meet standards regarding the following:
    - (a) Communicable diseases (WAC 296-823-100 et seq.)
    - (b) PPE (WAC 296-800-160 et seq.)
    - (c) Respiratory protection (WAC 296-800-160)
    - (d) First aid (WAC 296-800-150 et seq.)
    - (e) Safe workplace (WAC 296-800-110 et seq.)
    - (f) Emergency Action Plan and Fire Prevention Plan (WAC 296-24-567)
- (e) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

#### **1030.5 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with accident, illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

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- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to accident, illness and injury prevention; such forms and reports shall be submitted to the Administrative Services Chief Deputy.
- (e) Notifying the Administrative Services Chief Deputy when:
  - 1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
  - 2. New, previously unidentified hazards are recognized.
  - 3. Occupational accidents, illnesses and injuries occur.
  - 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
  - 5. Workplace conditions warrant an inspection.

### **1030.6 HAZARDS**

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Administrative Services Chief Deputy via the chain of command.

The Administrative Services Chief Deputy will take appropriate action to ensure the accident, illness and injury prevention plan addresses potential hazards upon such notification.

### **1030.7 INSPECTIONS**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

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The Administrative Services Chief Deputy shall ensure that the appropriate documentation is completed for each inspection.

### **1030.7.1 EQUIPMENT**

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

### **1030.8 INVESTIGATIONS**

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

### **1030.9 TRAINING**

The Administrative Services Chief Deputy shall work with the Chief Deputy to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices (WAC 296-800-14020). Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Office is made aware of a new or previously unrecognized hazard.

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### **1030.9.1 TRAINING TOPICS**

The Chief Deputy shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

### **1030.10 RECORDS**

Records and training documentation relating to accident, illness and injury prevention will be maintained in accordance with the established records retention schedule.

Safety committee records shall be retained for a minimum of one year (WAC 296-800-13020).

# Line-of-Duty Deaths

## 1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Walla Walla County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Sheriff may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

### 1031.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

### 1031.1 LIAISONS AND COORDINATORS

The Sheriff or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

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#### 1031.1.1 DEPARTMENT LIAISON

The Department Liaison should be a Chief Deputy or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Sheriff. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

#### 1031.1.2 FINANCE COORDINATOR

The finance coordinator should work with the Sheriff and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  - 1. Paying survivors' travel costs if authorized.
  - 2. Transportation costs for the deceased.
  - 3. Funeral and memorial costs.
  - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

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#### 1031.1.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
  1. The survivors and others whose presence is requested by the survivors.
  2. Department members and friends of the deceased member.
  3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Walla Walla County Sheriff's Office members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
  1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

#### 1031.1.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Sheriff or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
  1. Members involved in the incident.
  2. Members who witnessed the incident.



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3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

### 1031.1.5 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Chief Deputy. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

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1. Items should not be delivered to the survivors until they are ready to receive the items.
  2. Items not retained as evidence should be delivered in a clean, unmarked box.
  3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

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### 1031.1.6 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - 1. Public Safety Officers' Benefits (PSOB) Programs.
  - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
  - 3. Social Security Administration.
  - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
  - 1. Death benefit (RCW 41.26.510)
  - 2. Education benefit (RCW 28B.10.567; RCW 28B.15.380; RCW 28B.15.520)
  - 3. Retirement benefits (RCW 41.04.393)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by sheriff's associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

### 1031.1.8 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

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- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Walla Walla County Sheriff's Office members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

#### **1031.1.8 FUNERAL LIAISON**

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
  - 1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  - 2. Bagpipers/bugler
  - 3. Uniform for burial
  - 4. Flag presentation
  - 5. Last radio call
- (d) Briefing the Sheriff and command staff concerning funeral arrangements.
- (e) Assigning a deputy to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

#### **1031.2 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Sheriff or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

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The Sheriff, Shift Supervisor or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Sheriff or the authorized designee once survivor notifications have been made so that other Walla Walla County Sheriff's Office members may be apprised that survivor notifications are complete.

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### 1031.2.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Sheriff.

### 1031.2 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Supervisor and Dispatch.
  - 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Shift Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Shift Supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Sheriff or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

### 1031.3 POLICY

It is the policy of the Walla Walla County Sheriff's Office to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

### 1031.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.

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- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Sheriff or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

### **1031.8 NOTIFYING DEPARTMENT MEMBERS**

Supervisors or members designated by the Sheriff are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

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Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

### **1031.8 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Sheriff may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

### **1031.9 NON-LINE-OF-DUTY DEATH**

The Sheriff may authorize certain support services for the death of a member not occurring in the line of duty.

### **1031.10 INVESTIGATION OF THE INCIDENT**

The Sheriff shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

### **1031.11 DEPARTMENT CHAPLAIN**

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.



## **Attachments**

## **Narcan Form 02132018.pdf**

# Walla Walla County Sheriff's Office

## Policy Manual

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