

# Rules and Regulations Manual

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## **Primary Objective**

A modern society free from crime and disorder remains an unachievable ideal; nevertheless, consistent with the values of a free society, it is the primary objective of the Sheriff's Office to make every reasonable and appropriate effort to strive toward the achievement of this ideal within the geographical boundaries of Whatcom County.

## **Key Objectives and Strategies**

The Sheriff's Office and its members employ a variety of strategies in striving to accomplish the Sheriff's Office's objectives and fulfill its mission. The specific objectives and strategies are as follows.

### **Prevention of Crime**

#### **Objective**

Peace and safety in a free society depends on the active involvement of each citizen and their voluntary compliance with the law. Since crime is a social phenomenon, crime prevention is the concern of every person living in society.

#### **Strategy**

The Sheriff's Office will assume responsibility for interacting with community members, groups and organizations to keep the public informed with regard to the occurrence of crime and crime trends and to provide crime prevention information, training and support wherever possible, as resources permit.

### **Deterrence of Crime**

#### **Objective**

While some crimes cannot be predicted or deterred, other crimes may be reduced by timely responses and regular patrol and enforcement activities by law enforcement personnel.

#### **Strategy**

The Sheriff's Office within its resources will make every reasonable and appropriate attempt to deploy investigative forces in a manner that serves to deter crime and enable a timely response and investigation of criminal activity.

### **Apprehension of Offenders**

#### **Objective**

The effectiveness of the criminal justice process is greatly enhanced through the identification and apprehension of criminal offenders. The certainty of apprehension and punishment serves as an effective deterrent to crime. The Sheriff's Office must diligently strive to solve all crimes and to bring the perpetrators to justice.

### **Strategy**

Once a crime has been committed, the Sheriff's Office will strive to effectively utilize the resources at its disposal to investigate, identify and arrest criminal perpetrators in order that they may be brought before the courts for proper adjudication, sentencing and correction, or punishment.

## **Recovery and Return of Property**

### **Objective**

The actual costs of crime are difficult to measure. It is possible, however, to observe the steadily mounting cost of lost and stolen property. This loss, as well as the other costs of crime, is ultimately borne by the victims of crime.

### **Strategy**

To minimize the losses due to crime, the Sheriff's Office within its resources will make every reasonable effort to recover lost or stolen property, to identify its owners and to insure its timely return.

## **Movement of Traffic**

### **Objective**

The ability to travel with safety on the streets, roads and highways is of interest to all. The greatest routine threat to an individual's personal safety may well occur during vehicular travel on public roadways.

### **Strategy**

In order to protect the motoring public, the Sheriff's Office will make every reasonable and appropriate attempt to enforce traffic laws, investigate accidents and enhance driver awareness. The issuance of traffic citations and the arrest of serious traffic violators are of vital community interest in assuring reasonable safety on public roadways.

## **Public Service**

### **Objective**

Law enforcement agencies are relied upon by the public for service, advice and assistance in the many routine and emergency situations that arise in life. Law enforcement officers regularly respond to incidents where it is not contemplated that an arrest will be made, but lives are saved, the injured are cared for, the lost are located, the peace is maintained, and a host of other non-criminal matters are handled.

### **Strategy**

The Sheriff's Office will continue to make every reasonable and appropriate attempt to provide for the most basic of public services through the efficient utilization of the resources available to it.

## **Sheriff's Office Personnel**

### **Objective**

Law enforcement personnel in all areas of operation are frequently required to make decisions, some of them affecting human life and liberty in difficult situations where there is no opportunity to seek advice and little time for reflection. Law enforcement in a free and complex society requires the stamina, intelligence, moral courage and emotional stability necessary to fairly and impartially deal with the many complicated and potentially explosive situations that are encountered.

### **Strategy**

In order to obtain the caliber of personnel necessary to provide the public with professional law enforcement, corrections and emergency services, the Sheriff's Office shall make every reasonable and appropriate attempt to recruit and select the most qualified candidates for all positions within the Sheriff's Office. Thereafter, the Sheriff's Office will strive to provide appropriate training for all members and promote the most qualified.

## **Utilization of Resources**

### **Objectives**

Law enforcement, corrections and emergency services combine to comprise one of the most expensive and complex services provided by government. The quality and extent of the service provided is necessarily limited by the availability of funding and resources. Such vital and irreplaceable services are, nevertheless, at the very core of responsible government service delivery.

### **Strategy**

In order to insure that the highest level of service and professional performance is obtained from the resources at its disposal, the Sheriff's Office will make use of the most effective and efficient management and budgeting techniques available.

## **Individual Responsibility**

It shall be the duty and responsibility of every member of the Sheriff's Office to make every reasonable and appropriate effort to aid in the furtherance and accomplishment of the Sheriff's Office's mission and the fulfillment of its vital role in the collective community that is Whatcom County.

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

### **1.1 Jurisdiction and Authority**

1.1.1 The authority of the Whatcom County Sheriff's Office is established by the Revised Code of Washington, specifically RCW 36.28.010 and 36.28.020.

1.1.2 Commissioned employees are sworn to, "support the Constitution of the United States, the Constitution and laws of the State of Washington, and the Charter and ordinances of Whatcom County."

1.1.3 All employees and employees of the Sheriff's Office shall be governed by the applicable federal and state laws and ordinances of Whatcom County in the conduct of their official duties and at all times when acting under color of authority of their office.

1.1.4 All employees and employees of the Sheriff's Office shall abide by and be governed by the policies contained in this manual and to the procedures in the respective operations manual for their division.

### **1.2 Commissions**

1.2.1 All persons hired as law enforcement employees for the Whatcom County Sheriff's Office shall be commissioned as deputy sheriffs for Whatcom County by the sheriff prior to being assigned to law enforcement duties. Corrections deputies shall be commissioned by the sheriff before being assigned to duties in the Corrections Bureau. Corrections deputies' commissions are valid only while on duty.

1.2.2 Oath of Office - Prior to assuming a Sheriff's Office commission, persons hired for a position that requires a commission will take an oath of office to enforce the laws and ordinances of Whatcom County, State of Washington, and the Constitution of the United States before the county auditor.

1.2.3 A deputy sheriff's commission may be issued to any employee of the Sheriff's Office who, by virtue of training and/or experience, has proven competence in the field of law enforcement and whose duties are law enforcement related.

1.2.4 Limited deputy sheriff commissions may be issued upon approval of the sheriff to persons outside the Sheriff's Office who have a need for limited enforcement capabilities such as parking, parks, and arson. These limited commissions will specifically state the authority of the holder to enforce specifically identified county ordinances. These limited commissions shall be valid for a period of one year and shall automatically expire on December 31<sup>st</sup> of the year they were issued.

1.2.5 Those persons fully commissioned as deputy sheriffs on the Whatcom County Sheriff's Office shall have the full power and authority of that position twenty-four hours a day.

### **1.3 Other Commissions**

Commissions from other law enforcement agencies may be issued to employees when necessary or desirable. No employees may accept a commission from another agency without prior notice and permission from the sheriff.

### **1.4 Commission Abuse (Non-Employee)**

Any abuse or unjustified use of a mutual aid peace officer's power by a law enforcement officer from another agency or from a special deputy commission will result in permission to carry a Sheriff's Office commission being withdrawn by the sheriff.

## **Chapter 2: Jurisdiction, Mutual Aid and Regional Services**

### **2.1 Peace Officers Powers Act**

2.1.1 As a general authority Washington law enforcement agency, the Whatcom County Sheriff's Office is authorized to commission its employees so they may enforce the laws of the State of Washington and the ordinances of Whatcom County. RCW 10.93.070 extends the authority to enforce state law throughout the State of Washington to all fully commissioned officers of a general authority law enforcement agency under specific conditions. This policy is intended to identify when a Whatcom County Sheriff's Office employee may exercise that authority.

2.1.2 RCW 10.93.070 states specifically that "a general authority Washington peace officer who possesses a certificate of basic law enforcement training or a certificate of equivalency or has been exempted from the requirement therefore by the Washington State Criminal Justice Training Commission may enforce the traffic or criminal laws of this state throughout the territorial bounds of this state, under the following enumerated circumstances: (1) Upon the prior written consent of the sheriff or chief of police in whose primary territorial jurisdiction the exercise of the powers occurs."

2.1.3 Each agency with which we exchange mutual aid has a letter on file signed by the sheriff permitting them to exercise their enforcement powers within the boundaries of Whatcom County. The letter specifically states that "This letter constitutes my written consent to all general authority Washington peace officers of your Sheriff's Office to exercise their authority as 'general authority Washington peace officers' into unincorporated Whatcom County [Sec. 7(1)]". It is signed by the sheriff and grants other officers authority in the jurisdictional boundaries of the Whatcom County Sheriff's Office as required by the Police Officer's Power's Act.

2.1.4 Mutual aid requests of other departments or requests for mutual aid of the Sheriff's Office will be in conformance with current state law, and labor contracts. The shift supervisor shall be made aware of all requests for aid as soon as possible and will decide on resources to be allocated. For major operations, the duty staff officer should be consulted.

2.1.5 Agencies within the jurisdiction of Whatcom County and surrounding areas may call upon aid through existing mutual aid agreement letters. In each case, the shift supervisor shall be made aware of the request as soon as possible.

2.1.6 Employees of the Whatcom County Sheriff's Office will have full law enforcement authority in Whatcom County when on and off duty.

### **2.2 Jurisdiction Outside Whatcom County**

2.2.1 On duty employees of the Whatcom County Sheriff's Office may exercise their authority when on duty anywhere outside the limits of Whatcom County and in the State of Washington when the following conditions exist:



- A. With the written consent of the sheriff or police chief in whose primary jurisdiction the exercise of authority occurs
- B. In response to an emergency involving the immediate threat to human life or property
- C. In response to a request for assistance pursuant to a mutual law enforcement assistance agreement with the agency of primary territorial jurisdiction or in response to the request of a peace officer with enforcement authority
- D. When the employee is transporting a prisoner
- E. When the employee is executing an arrest or search warrant
- F. When the employee is in fresh pursuit. Any peace officer who has statutory authority under Washington law to make an arrest may proceed in fresh pursuit of a person:
  - 1. Who is reasonably believed to have committed a violation of traffic or criminal law, or
  - 2. For whom such peace officer holds a warrant of arrest

2.2.2 The employee in fresh pursuit shall have the authority to arrest and to hold such person in custody anywhere in the State. The term fresh pursuit includes, without limitations, fresh pursuit as defined by the common law. Fresh pursuit does not imply immediate pursuit, but pursuit without unreasonable delay.

2.2.3 An employee of the Whatcom County Sheriff's Office may exercise the authority when off duty anywhere outside of Whatcom County and in the State of Washington when the following circumstances exist:

- A. In response to an emergency involving the immediate threat to human life, or serious threat to property, or
- B. In response to the request of a peace officer with enforcement authority.

2.2.4 Employees of the Whatcom County Sheriff's Office may not use their authority for any off duty employment outside of Whatcom County.

2.2.5 Employees are required to submit a report in writing through the chain of command to the undersheriff any time they exercise any authority outside of Whatcom County.

## 2.3 Task Forces

The Whatcom County Sheriff's Office's participation in the Task Force is governed by the Washington State Narcotics Control Program and the Multi-Jurisdictional Task Force Interlocal Agreement.

## **2.4 Other Emergencies**

See Chapter 26.11 for mutual aid dealing with exigency other than law enforcement related emergencies.

## **Chapter 3: Contractual Services**

### **3.1 Contractual Services**

3.1.1 By Whatcom County Charter and the related ordinances voted into law by the county council, only those services which have been approved in the annual budget by the county council shall be contracted for by the Sheriff's Office.

3.1.2 All contractual agreements and bids are subject to state and county statutes and procedures.

3.1.3 All purchases, contracts and bonds subject to bid procedures shall be advertised and unless all bids are rejected shall be awarded on the basis of sealed bidding to the lowest responsive bidder.  
(Whatcom County Code, Section 9.20)

3.1.4 The Whatcom County Council may appropriate contingency funds, revenues received in excess of the revenues estimated in the budget, and funds from any other source available to the county in an emergency (Whatcom County Code, Section 6.72).

## **Chapter 4: Legal Advice**

### **4.1 Legal Advice**

4.1.1 With the approval of the sheriff, legal advice for the Sheriff's Office and for Sheriff's Office employees is provided by the county prosecutor. A deputy prosecutor on the county prosecutor's staff is designated by the county prosecutor to serve as the sheriff's legal advisor.

4.1.2 Any citizen wishing to file or make a damage claim against the Sheriff's Office shall be directed to contact either the civil division of the Prosecutor's Office or the County Executive's Office.

4.1.3 No employee of the Sheriff's Office shall appear or practice as an attorney in any court, except in their own defense, nor shall they act or represent themselves as legal counsel for any party in the course of their duties and employment with the Whatcom County Sheriff's Office. Sheriff's Office employees should exercise caution and good judgment in dealing with the public regarding legal matters and civil problems where legal advice is being sought. Persons seeking legal advice or opinions should be referred to an attorney or appropriate, bona fide legal service (See RCW 2.48.180, 2.48.190, 2.48.200).

### **4.2 Liability Insurance**

4.2.1 The County of Whatcom provides liability insurance for all its employees, including Sheriff's Office employees through a risk management system which includes self-insurance and other insurance programs.

## **Chapter 5: Organization**

### **5.1 Organizational Structure**

The organizational chart for the Sheriff's Office is kept on file by the administrative assistant and is available for viewing by all personnel on request.

### **5.2 Personnel Responsibilities**

It is the policy of the Whatcom County Sheriff's Office to set minimum entry-level requirements for prospective employees. These requirements and the job descriptions for the Whatcom County Sheriff's Office will be maintained in the Whatcom County Human Resources office and are available to any employee on request.

### **5.3 Functional Divisions**

5.3.1 Whatcom County Sheriff's Office functions are managed within the following divisions:

- Bureau of Law Enforcement and Investigative Services
- Bureau of Corrections and Custody Services
- Bureau of Civil and Support Services
- Division of Emergency Management
- Office of Professional Standards
- Administration Division

5.3.2 The Bureau of Civil and Support Services is comprised of two divisions: Civil, and Records and Identification. A chief deputy commands the bureau.

- A. Civil Division - Civil is responsible for the serving and processing of judgments, warrants, and other court orders.
- B. Records and Identification Division - Records includes the records system, identification, property, and evidence processing as well as concealed weapons permits, registering sex offenders, and other such record keeping tasks for the general public. The records manager supervises day to day operations.

5.3.3 The Bureau of Law Enforcement and Investigative Services consists of two divisions: Patrol and Investigations. A chief deputy commands the bureau.

- A. Patrol - Patrol has deputies assigned to patrol units who are responsible for responding to calls and conducting preliminary and follow-up investigations. A lieutenant commands this division.
- B. Investigations - Investigations includes the Detective Division and the Northwest Regional Gang and Drug Task Force. A lieutenant commands this division.

5.3.4 The Bureau of Corrections and Custody Services operates the Whatcom County Jail and Work Center. A chief corrections deputy commands the bureau.

5.3.5 The Emergency Management Division provides countywide emergency management, communication, and coordination services in the event of natural or man-made disasters, or other special events that threaten the public welfare. The sheriff is the county director of emergency management. The deputy director, who reports directly to the sheriff, supervises the division.

5.3.6 The Office of Professional Standards works with all other divisions to ensure that Sheriff's Office practices are consistent with Sheriff's Office values, law and industry best practices. Its personnel do in ways such as overseeing a system of written directives, participating in the hiring process, maintaining a system for processing complaints, conducting administrative investigations and auditing Sheriff's Office processes. The office is commanded by the chief inspector.

5.3.7 The Administration Division provides personnel, financial and payroll services to the Sheriff's Office. It is supervised by the administrative assistant.

## **5.4 Command Protocol**

Obeying Lawful Orders - See Section 6.4 for command protocols between supervisors, senior employees, and subordinate employees.

## **5.5 Organizational Subdivisions**

The organizational subdivisions of the Sheriff's Office are grouped by function and depicted in the organizational chart.

## **5.6 Accountability of Authority**

The Whatcom County Sheriff's Office is responsible for the law enforcement services in Whatcom County. Each Sheriff's Office employee is accountable for the use of delegated authority for enforcement. This authority is empowered to each employee through, or by, the type and/or color of the badge, position, and/or rank. Each employee is responsible for the use of delegated authority under the laws of the State of Washington, the ordinances of Whatcom County, any applicable commissions of authority, and this manual.

## **Chapter 6: Command**

### **6.1 Chief Executive Officer Authority**

6.1.1 The sheriff is the elected chief law enforcement officer of the county and as such, has the full power to enforce laws as stated in Chapter 1 of this manual. The sheriff also has full authority to manage, direct and control the operations of the Sheriff's Office (Whatcom County Home Rule Charter, Section 3.52). The sheriff has the power and authority to discipline Sheriff's Office employees for noncompliance with the rules, regulations, procedures and lawful orders issued by him or her or any commanding officer.

6.1.2 The sheriff must necessarily limit the number of people who report directly to him or her. To insure unity of command, clearly defined lines of authority must be drawn. There exists a structural relationship between each employee and the sheriff. Each employee must be aware of his or her relative position in this organization, to whom he or she is immediately responsible, and those people who are responsible to him or her. Employees will strive at all times to operate within the chain of command and to keep their supervisors informed as to their activities.

### **6.2 Chain of Command**

6.2.1 Sheriff - The sheriff is elected in accordance with provisions of the Whatcom County Charter and is the chief executive of the Sheriff's Office and the chief law enforcement officer for Whatcom County. The sheriff is responsible for the general direction, administration, financial management and efficient operation of the Sheriff's Office. The sheriff is also the director of emergency management for Whatcom County.

6.2.2 Undersheriff - The undersheriff is appointed by the sheriff and reports directly to him or her. The undersheriff exercises general supervision of all bureau chiefs and, through them, the personnel of their bureaus. The undersheriff acts for the sheriff in his or her absence.

6.2.3 Chief Deputy Sheriff— Chief deputies command bureaus or offices to which they are assigned. The chief criminal deputy acts for the undersheriff in his or her absence.

6.2.3 Deputy Director of Emergency Management - The deputy director of emergency management is responsible for the management, planning, and coordination of emergency services during a natural or man-made emergency. He or she reports directly to the sheriff.

6.2.7 Lieutenant - Appointed by the sheriff from a certified civil service list from those Sheriff's Office employees holding the rank of sergeant. Lieutenants command divisions or other entities to which they are assigned, and supervise sergeants or noncommissioned supervisors.

6.2.8 Sergeant - Appointed by the sheriff from a certified civil service list from those Sheriff's Office employees holding the rank of deputy. The position of sergeant is a link between subordinate

personnel and the command staff. The sergeant performs the first line supervision of commissioned or noncommissioned personnel as assigned.

6.2.9 Detective - The position of detective is a special appointment by the sheriff. Detectives perform investigative and other duties as assigned by their supervisor.

6.2.10 Deputy Sheriff - Appointed by the sheriff from a certified civil service list. Deputies carry out such duties as indicated by their job description, as directed by this manual, and as ordered by higher-ranking personnel.

6.2.11 Chief of Corrections - The Corrections division is responsible for the operation and maintenance of the county jail and the security and welfare of those working and incarcerated there. The Corrections division is also responsible for the delivery of prisoners to and from the courts and the maintenance of security in the courtrooms. The division also provides transport for prisoners when required.

6.2.12 Duty Staff Officer - The sheriff, undersheriff, chief criminal deputy, chief civil deputy, and Lieutenants will assume the Duty Staff Officer (DSO) function on a rotational basis. The rotation is to be established by the sheriff and is updated and published by the administrative assistant. The DSO is, pursuant to the DSO callout procedure in the Operation's Manual #P-012, to be available during their duty week for response and consultation on operational matters.

6.2.13 Corrections Lieutenant - Appointed by the sheriff from a certified civil service list from those Sheriff's Office employees holding the rank of corrections sergeant. The Corrections Lieutenant supervises the corrections sergeants and acts for the chief of corrections in his or her absence.

6.2.14 Corrections Sergeant - Appointed by the sheriff from a certified civil service list from the employees of the Corrections division holding the rank of Corrections deputy. The Corrections Sergeant is the link between the corrections deputies which he or she supervises and staff.

6.2.15 Corrections Deputy - Appointed by the sheriff from a certified civil service list. Corrections deputies carry out such duties as indicated by their job description, as directed by this manual, or the Corrections Manual, and as ordered by higher ranking personnel. They are commissioned officers while on duty.

### **6.3 Supervisor Accountability**

6.3.1 The Whatcom County Sheriff's Office recognizes line supervisory positions as the first level of supervision within the Sheriff's Office. These supervisors have the responsibility to guide, direct, motivate, and teach all employees under their supervision. It is the supervisor's responsibility to plan the work of employees in an orderly manner, delegate authority and responsibility when appropriate, and to follow the progress of task assignments to a satisfactory completion. All supervisors of all ranks and/or levels within the Sheriff's Office shall be, at all times, responsible for the work performance and evaluation of subordinate personnel under their immediate control.



## **6.4 Duty to Obey Lawful Orders**

6.4.1 To permit effective supervision, direction, and control within the Sheriff's Office, all employees shall promptly obey any lawful order, direction, or instruction of a superior, including any order relayed from a superior by an employee of the same or lesser rank. Employees and employees shall refrain from public criticism of any orders or instructions which they have received.

6.4.2 Concern With Orders - If an order creates an unusual problem or an unreasonable danger, the receiving employee shall refer the concerns regarding the order to the employee issuing it. The issuing employee shall review the subordinates concern and either modify the order or direct the subordinate to obey the order.

6.4.3 Duty To Assure Proper Understanding - In issuing and receiving orders, directives, and instructions, superiors at all levels will take reasonable steps to ensure that such directive information is clear, concise and understandable.

6.4.4 Order Clarification - If an order is not understood or is unclear, the employee receiving the order shall be responsible for seeking necessary clarification so that the intent of the issuing employee may be fully carried out and the desired outcome is achieved to the fullest extent possible.

6.4.5 Conflict of Orders - In the event an employee is given two apparently lawful, but different orders that may be in conflict, the last order given should be complied with unless the order is retracted or modified.

- A. In the event an employee receives conflicting orders, the employee should inform the person giving the last order of the conflict of orders. That person giving the conflicting order should then resolve the conflict by retracting, modifying, or requesting the employee to comply with the latest order.
- B. In the event the conflicting order is not altered or retracted, the employee will not be held responsible for disobedience of the order or directive previously issued.
- C. It shall be the responsibility of the employee issuing the conflicting order to notify the initial issuing employee of the conflict and the action take to resolve it.

6.4.6 Orders Outside Command - Whenever a supervisor, or senior employee, in the necessary performance of duty gives an order to any subordinate employee not attached to his or her unit or assignment; that supervisor/senior employee must exercise care that such an order does not unnecessarily conflict with those of his or her supervisor or the chief of the bureau to which the employee is assigned.

6.4.7 Whenever orders, so given, require the employee receiving same to leave his or her regular assigned post or duty, the supervisor/senior employee giving such order will as soon as practicable, inform such subordinate's supervisor of the action taken.

6.4.8 Unlawful Orders - No employee of the Sheriff's Office is required to obey any order which is clearly contrary to the laws of the United States, State of Washington, or ordinances of Whatcom County.

- A. Any employee refusing to obey an order assumes responsibility for the refusal and will be required to articulate a legitimate justification for such refusal.
- B. Disobeying an order and the lack of justifiable or legitimate cause for the refusal shall be grounds for disciplinary action.

6.4.9 Violation of Law - Administrative and supervisory officers of the Sheriff's Office will not knowingly or willfully issue any order in violation of any law or ordinance or of any rule, regulation, general or special order of the Sheriff's Office.

6.4.10 Sheriff's Office employees, whether on duty or off duty shall be always be held subject to orders from proper authority. An off duty status shall not be held to relieve any employee from initiating the proper action required in any police matter coming to his or her attention at any time.

## **6.5 Establishing Seniority - Acting Sergeants**

6.5.1 When a question of seniority may arise regarding who shall be in command of a shift or an incident, such seniority shall be determined by the following:

- A. First, if employees are of equal rank, the employee with the longest time in grade shall be the senior employee. If the situation should arise that the employees have an equal time in grade, the employee with the greatest length of service with the Whatcom County Sheriff's Office shall be the senior employee.
- B. Command authority may be designated by direct order of a staff employee, or by Sheriff's Office procedure. The shift supervisor anticipating a temporary absence during a shift has the prerogative of designating a replacement. If a disagreement should arise concerning the leadership of the shift, the supervisor will refer the matter to the head of his or her division. If unavailable, the DSO may be consulted. No supervisor shall consider being properly relieved until a temporary supervisor is appointed to lead the oncoming shift.
- C. In the determination of command for acting supervisors, the current promotional list shall be used first to designate the acting supervisor of the shift or unit. If no employee or employee has status on the list, then the most senior person as in 6.5.1(A) shall assume the role of acting supervisor.

6.5.2 Any employee who wishes to be relieved of this responsibility must submit a letter through the chain of command to the sheriff. The mere request of not wanting to assume this responsibility will not be the sole reason for granting the exemption. Each request will be considered on a case by case basis and in general it is not the policy of the Sheriff's Office to relieve employees from this responsibility.

## **6.6 Written Directives**

6.6.1 In addition to this manual, employees are to read and familiarize themselves with other official Sheriff's Office publications including the Operation's Manual and the County Employee's Handbook.

6.6.2 All written directives will be issued to each employee by placing them in the employee's mailbox. Each employee is required to check their mailbox at the beginning of each workday. All such directives will be issued by the sheriff and must have the approval of that Office before being issued. Any modifications of written directives must be approved by the sheriff prior to any change. Written directives will be reviewed at a regularly scheduled staff meeting and reviewed prior to implementation, unless by emergency order of the sheriff. New written directives or changes to written directives will be submitted to the Guild as per the bargaining unit contract.

6.6.3 Written Directives:

- A. Regulatory Orders - These orders are regulatory in nature and are in effect until rescinded by the sheriff. They are normally issued pursuant to an immediate need for a policy or procedure change and will be included in annual reviews of the respect manual in which they should appear.
- B. Special orders - These are directives that are of limited duration or to cover a specific event. They will be issued by personnel above the rank of Lieutenant.
- C. Personnel Orders - Changes in employment, rank or assignment will be announced by Personnel Order. Disciplinary actions may be announced by Personnel Order. These orders are issued by the sheriff.
- D. Training bulletins are issued on a periodic basis. These bulletins cover the following areas and may be issued by any staff including lieutenants, sergeants, or designated officer.
  - 1. Alerting personnel to changes in law or administrative rule.
  - 2. Alerting personnel to improved techniques or recently developed knowledge.
  - 3. Reviewing basic knowledge, procedures, and techniques for dealing with a newly emerging or particularly difficult crime problem.
  - 4. Reviewing areas in which operational problems have developed.
  - 5. Introducing personnel to the details of a change in procedures or regulation.
  - 6. Reviewing techniques, procedures and policies in a particularly sensitive area.

6.6.4 It is the responsibility of all users of the Sheriff's Office manuals and written directives to note any discrepancies, errors or omissions and to notify their supervisors when these are discovered. The supervisors will forward this information to the chief criminal deputy as soon as is practicable. It is the undersheriff's responsibility to review all written directives quarterly, direct changes and additions to this policy manual, and to disseminate new directives with the approval of the sheriff.

6.6.5 Unless otherwise instructed, the undersheriff will format the written directives of the Sheriff's Office in a manner consistent with this Manual.

6.6.6 Written directives are in effect until rescinded by the sheriff. Normally, regulatory written directives will be evaluated annually for inclusion in this manual or the Operation's Manual.

6.6.7 It is the responsibility of each user to purge and update their manuals, as required. New or updated policies will be distributed and each officer shall keep note of each change in his or her manual on the cover sheet provided. These manuals are subject to inspection by an employee's immediate supervisor or any staff officer.

## **Chapter 7: General Management Reports**

### **7.1 Administrative Reporting Program**

7.1.1 A daily activity log will be prepared during each patrol shift that summarizes the significant Sheriff's Office activity for that shift. The daily logs for previous shifts will be available for use as part of each shift's roll call briefing. The logs are also available to other Sheriff's Office employees.

7.1.2 The Daily Activity Log will consist of the following documents:

- A. Compilation of face sheets to document daily event responses
- B. Sergeant's Shift Assignment Log - To document area assignments and special problems encountered on the shift

7.1.3 The Daily Activity Log will be maintained by the Lieutenant of Operations and will be kept in his or her office on a monthly basis. It will be available to all command staff employees as needed.

7.1.4 The undersheriff will provide a Monthly Administrative Report covering the Patrol, Corrections, and Emergency Management division's activity. It will be distributed to each staff employee. This briefing document will be an overview of the activities, problems, and planning for each respective Sheriff's Office. The undersheriff may direct each bureau chief to prepare the portion of the document that covers their command area. The report will include such information as crime statistics, overtime use, budget status, detective crime analysis information, and other pertinent information to be used for administrative purposes.

7.1.5 The chief criminal deputy shall also prepare a Monthly Administrative Personnel Report that will be distributed to the sheriff and undersheriff. This document will contain personnel activities to include commendations, citizen complaints, counseling forms, report correction notices, training documents, and any other pertinent information regarding the employees of the Sheriff's Office.

7.1.6 An annual report of the activities reported in 7.1.3 will be completed and made available to the Sheriff's Office staff, employees, employees, and public. The annual report will be completed under the direction of the sheriff. The Annual Report will include summaries of crime statistics, personnel statistics, and a synopsis of the Daily Activity Log and Monthly Administrative Report.

7.1.7 The original of each report will be maintained by the Administrative Assistant except for the Daily Activity Log.

## **Chapter 8: Planning and Research**

### **8.1 Planning and Research Function**

8.1.1 The undersheriff is assigned the responsibility for the research and planning function. This function includes, but is not limited to, the preparation of staff research studies of proposed programs and equipment. The preparation of this document will coincide with the budget planning process and will be used as a guide for the budget process. The Yearly Study will include the types of activity anticipated for the next year. Dates, times, and locations of anticipated activities and acquirements will be included as appropriate.

8.1.2 The chief criminal deputy will be responsible for preparing an annual training plan that identifies training priorities and establishes the proposed curriculum for the annual In-Service Academy.

### **8.2 Multi-Year Plan**

8.2.1 The annual budget will include Sheriff's Office goals and objectives by program for each division. Those goals will be multi-year goals and the objectives will include both single and multi-year statements.

8.2.2 The Sheriff's Office will prepare a Five Year Plan to anticipate staffing and plant needs that include projected County population and other demographics, statistics of past year workloads, projected workloads, and logic which supports requests for changes in staffing levels and physical plant. The Sheriff's Office's work load analysis and staffing formula will be identified in the Five Year Plan and will be used to project future staffing and physical plant needs.

8.2.3 The Sheriff's Office will also prepare a Ten Year Outlook Plan to anticipate major concerns beyond the Five Year Plan. This can include major anticipated capital expenditures and work force needs.

8.2.4 The Sheriff's Office will participate in the development of the County Capital Improvement Plan (CIP) which includes and identifies the capital needs of the Sheriff's Office.

8.2.5 The multi-year plans will be developed by the undersheriff at the direction of the sheriff.

## **Chapter 9: Crime Analysis**

### **9.1 Crime Analysis Function**

9.1.1 All Employees of the Whatcom County Sheriff's Office shall participate in the collection of criminal data by completing the necessary reports on individuals and/or organizations suspected of criminal activity, and during preliminary investigation of reported crimes.

9.1.2 The information collected in criminal reports shall be entered into the Sheriff's Office's computer system. This information will be collated and analyzed by the Detective section. The information will be forwarded to the chief criminal deputy for dissemination as necessary by weekly bulletins, monthly statistical reports, directed patrol assignments, crime alerts, criminal profiles and annual reports.

9.1.3 The Sheriff's Office's staff employees shall utilize crime analysis information when developing the goals and objectives for the Sheriff's Office and its annual strategies.

### **9.2 Regular and Special Briefings**

9.2.1 The Supervisor in charge of the Detective division and the Lieutenant of Operations will report monthly to the chief criminal deputy. These reports will outline any crime trends or patterns revealed by the Detective division's crime analysis. The chief criminal deputy will inform the sheriff and undersheriff and the other staff employees of these trends.

9.2.2 Special briefings may be conducted to inform the sheriff, undersheriff, and designated staff whenever new, unusual, or dangerous trends are discovered as a result of the Detective division's crime analysis studies.

## **Chapter 10: Personnel Alternatives**

### **10.1 Sheriff's Office Staffing Table**

10.1.1 The Sheriff's Office staffing table is maintained by the Administrative Assistant to the sheriff.

### **10.2 Reserve Deputies**

10.2.1 The reserve deputies of the Whatcom County Sheriff's Office are fully commissioned sheriff's deputies while wearing the reserve deputy's uniform and/or while on official assignment consistent with Washington State laws and Sheriff's Office policy.

10.2.2 These reserve deputies are required to meet the same selection criteria, including age, as regular Sheriff's Office deputy applicants, excluding the civil service testing.

10.2.3 Reserve deputies are required to graduate from a basic training program approved by the Washington State Criminal Justice Training Commission. Upon successful completion of this basic course, the reserve deputy will be commissioned by the sheriff and will be certified by the Training Commission.

10.2.4 Reserve deputies are required to wear the same uniform and the same equipment as regular officers performing like functions.

10.2.5 The reserve deputy will be assigned to a regular deputy on his or her shift for training and will be involved in the routine delivery of law enforcement services and emergency services.

10.2.6 Reserve deputies are required to train and qualify with their duty firearms with the same frequency and in the same manner as regular deputies.

10.2.7 Liability protection for the reserve deputy will be the same as for the regular deputy while the reserve deputy is performing authorized duties for the Sheriff's Office.

10.2.8 Reserve deputies are responsible for knowing and complying with this manual, the Operation's Manual, and all other written directives of the Sheriff's Office. They are also governed by the Whatcom County Sheriff's Office Reserve Rules and Regulation's publication.

10.2.9 Reserve deputies will not be used by the Sheriff's Office to meet the regular minimum staffing requirements on a shift or assignment in compliance with the bargaining unit contract except when an emergency has been declared to exist by the sheriff.

10.2.10 Reserve deputies will contribute a minimum of sixteen hours a month and attend the regular scheduled Reserve Deputies' meeting in order to meet minimum requirements for the Sheriff's Office.



### **10.3 Auxiliary Personnel (Non-Commissioned)**

10.3.1 Auxiliary Personnel are not commissioned and shall be assigned appropriate tasks by the Whatcom County Sheriff's Office. Auxiliary personnel are not given commissioned deputy or reserve deputy duties or status.

10.3.2 The Sheriff's Office will not use auxiliary personnel to supplement shift assignments or normal work assignments for regular deputies.

10.3.3 Training of auxiliary personnel will be accomplished through initial classroom training and field training. The training supervisor shall coordinate this training and ensure that all auxiliary personnel have received the training necessary.

10.3.4 Auxiliary personnel will be governed by the Whatcom County Sheriff's Office Volunteer Rules and Regulations publication.

10.3.5 If a uniform is to be worn by auxiliary personnel, it will be clearly distinguishable from that of a regular deputy.

### **10.4 Volunteers and Part Time Employees**

10.4.1 There are occasions when the Sheriff's Office receives inquiries from various groups and individuals that desire to volunteer their time in public service. The volunteers may range from college students to retired citizens. There are also occasions when the Sheriff's Office may enter into financial agreements to compensate part time workers. The Lieutenant of Services and/or his or her designee supervises volunteer and part time workers.

10.4.2 It is the policy of the Whatcom County Sheriff's Office to set a screening standard for any person who works within the Sheriff's Office as a volunteer or part time employee. It is necessary, due to the confidential nature of information processed by law enforcement, to properly screen personnel who work either in a part time or volunteer capacity. It is also necessary to identify each category of part time worker. It is understood that the Division of Emergency Management is assisted by a large numbers of citizen volunteers during times of natural and/or man caused disasters. This procedure does not include those types of volunteers unless any one of them is assigned a task that includes access to the internal confines of the Sheriff's Office or access to law enforcement information.

10.4.3 Processing volunteers and part time employees:

- A. Categories of Volunteers - There are several different categories of volunteers and part time help persons.
  - 1. Citizen Volunteers - A citizen volunteer may be anyone from the community who wishes to volunteer their time by assisting the Sheriff's Office. These people do not have any affiliation with a college or school and merely wish to volunteer their time in any work area that they are needed without compensation.

2. College Interns - Persons in this category have been authorized by an institute of higher education to gain college credit for work performed in the Sheriff's Office. There is no monetary compensation to be paid to volunteer college interns.
  3. College Work Study Students - Persons in this category have been authorized by an institute of higher education to receive monetary compensation for work done in the Sheriff's Office. An agreement is made between the Sheriff's Office and the institution as to a formula for compensating the student. A letter of employment articulating the conditions of employment, pay, and any other monetary understandings, shall be completed and on file for any student who is compensated by the Sheriff's Office.
  4. Part Time Help - There are times when the Sheriff's Office hires part time help to augment the normal work force during times of sickness, unexpected long term absences, and vacations of regular employees. Part time help workers may be, but are not limited to, persons currently on a civil service hiring list, retired law enforcement officers or retired law enforcement support staff, or persons who have previously worked as a college intern, work study student, or citizen volunteer. Wage rates are to be set by the undersheriff pursuant to existing bargaining unit agreements. A letter of employment articulating the conditions of employment, pay, and any other monetary understandings shall be completed and on file for any person who is compensated by the Sheriff's Office on a part time basis.
  5. Volunteer Organizations - There are several different organizations that volunteer their time as a group to assist the Sheriff's Office or obtain personal career experience. These groups may include but are not limited to Cadets, Reserve Deputies, or Explorers. Each organization will have its own set of guidelines and procedures. A part of those procedures shall include a criminal history and background check requirement for anyone who wishes to become an employee of that organization. A driver's check may also be required for anyone who may be required to operate a county vehicle or drive a vehicle in connection with work performed for the Sheriff's Office.
- B. Application Process - Each person who requests to work as any of the listed categories of volunteers or part time workers will be required to fill out certain forms and complete a screening process to include a polygraph examination before beginning work. Any person wishing to volunteer their time or work in any of the listed categories of part time or volunteer work will be directed to the Front Office Receptionist to receive the appropriate packet of forms including a letter of instructions for the applicant.
1. Application Forms - Any person wishing to work as a volunteer shall complete the standard application forms for anyone seeking permanent employment with the Sheriff's Office. The application packet shall include informational sections that may include general information, education, and work history. The packet shall also include a waiver for background information to include a criminal history and driver's check and permission to contact anyone in regard to the applicant's eligibility to work in the Sheriff's Office or with any of its employees. The waiver shall be signed and notarized by a Sheriff's Office notary.

- The applicant will be directed to complete the forms and return them with a letter of intent which outlines their reasons for volunteering and the division in which they desire to work.
2. Informal Interview - An informal interview will be scheduled with the undersheriff, Lieutenant of Services, or their designee when the application packet is returned to the Sheriff's Office. The purpose of the informal interview is one of introduction and expectations. Issues such as work experience, career goals, office skills, and attributes desirable for working in the Sheriff's Office will be discussed. Appointments for the other phases of the screening process will be made if the applicant is approved at the time of the informal interview.
  3. Fingerprints - The application packet of forms will be forwarded to the Records and ID Section for obtaining a set of fingerprints, a photograph, and a criminal history check.
  4. Polygraph - An appointment for a polygraph examination will be made by the undersheriff, Lieutenant of Services, or their designee at the time of the first informal interview. The results of the polygraph examination shall be forwarded to the undersheriff, Lieutenant of Services, or their designee.
  5. Work Approval - The undersheriff shall review all documentation after the completion of the application forms, the criminal history check, and the polygraph examination. The undersheriff shall then make a determination as to whether or not the person is eligible to work in the specified capacity. An interview will be scheduled with the Division Chief or Section Supervisor in the area where the volunteer has been selected to work. All forms associated with the application process will be forwarded to the Administrative Assistant for secure filing.
  6. Interview with Division Chief or Section Supervisor - The purpose of the interview with the Division Chief or Section Supervisor of the volunteer's work area will be one of introduction and work expectations. A specific area of work shall be discussed with supervisory expectations.
  7. Work Schedule - A work schedule shall be established and followed the same as with any permanent employee. This is necessary for planning in the work section assigned. The standard Weekly Activity Report shall be filled out by the worker and forwarded to the section supervisor the same as with any permanent employee. The Weekly Activity Report shall be processed the same as with any activity report from a permanent employee.
  8. Identification - The applicant shall be referred to the Records/ID Section supervisor for obtaining a volunteer ID card prior to reporting for work. The ID card shall include a photo of the applicant, shall be signed by the sheriff, and shall be displayed in plain sight while the volunteer person is working in the Sheriff's Office.

## **Chapter 11: Fiscal Management**

### **11.1 Chief Executive Officer**

11.1.1 The sheriff shall have the ultimate responsibility for the fiscal and operational management of the Sheriff's Office. This authority is granted pursuant to the Whatcom County Home Rule Charter, Section 3.52.

### **11.2 Other Authorized Personnel**

11.2.1 The fiscal management of the overall Sheriff's Office budget is one of the duties of the undersheriff. Purchase authorization in any amount may be approved by any of the following Command Staff; sheriff, undersheriff, chief criminal deputy, chief of corrections.

### **11.3 Budget Preparation**

11.3.1 By Article 6 of the Whatcom County Home Rule Charter, the Sheriff's Office is required to submit to the County Executive all the information necessary to prepare the County Budget at least 135 days prior to the end of the fiscal year. The County Executive is required by Article 6, Section 6.10 to: "At least seventy-five (75) days prior to the end of each fiscal year, the County Executive shall present to the County Council a complete budget and budget message, proposed current expense, and capital budget appropriation ordinances, and proposed tax and revenue ordinances necessary to raise sufficient revenues to balance the budget; and at least thirty (30) days prior to the end of the fiscal year, the Council shall adopt appropriation, tax and revenue ordinances for the next fiscal year."

11.3.2 It shall be the responsibility of the undersheriff to compile all the information necessary for the Sheriff's Office to submit its budget and capital budget requests in accordance with the schedule defined in Section 11.3.1 above.

### **11.4 Accounting System**

11.4.1 By the Whatcom County Home Rule Charter Section 3.52, the County Auditor is charged with maintaining an accounting system for all agencies. The Auditor's duties include the preparation and submission of monthly (no less than quarterly) reports showing;

- A. Initial appropriation for each program
- B. Balances at the start of each period
- C. Expenditures and encumbrances made during the reporting period
- D. Encumbered balances

### **11.5 Audits**

11.5.1 By the Whatcom County Home Rule Charter Section 3.52, the County Auditor is charged with audit responsibilities including internal and independent audits. The undersheriff will at least annually

conduct an unannounced audit of all Sheriff's Office financial accounts, (including undercover buy money), evidence and property. The results of this audit shall be reported to the sheriff.

## **11.6 Cash**

11.6.1 The undersheriff will be responsible for maintaining control of the financial collections of the Sheriff's Office including record keeping of money taken in through the Corrections, Records and ID, and Civil Divisions. He or she will also be responsible for preparation of financial statements, internal audits, and the disbursement of funds through these divisions. Authorization to sign for fund expenditures and transfers must be in writing with the approval of the sheriff.

11.6.2 Under the direction of the undersheriff, the Administrative Assistant will be assigned the task of maintaining a petty cash fund including an audit trail of appropriation and disbursement. The clerk will maintain a financial statement of all accounts that will be updated monthly.

11.6.3 Under the direction of the undersheriff, the command staff will be responsible for a 'Special Investigations Fund' for the Detective division including an audit trail of appropriation and disbursement.

11.6.4 Under the direction of the undersheriff, the head of the Drug Task Force section will be responsible for the drug/undercover investigation's fund including an audit trail of appropriations and disbursements.

## **11.7 Inventory Control**

11.7.1 Under the direction and responsibility of the undersheriff, the Lieutenant of Services shall maintain an inventory of Sheriff's Office equipment and assets, which shall be reviewed and updated annually. Each division head is responsible for checking the inventory against current property at least once per year to ensure equipment control is maintained. In addition, sergeants will check equipment held by deputies during vehicle inspection checks per Chapter 30.1.4.

## **11.8 Purchasing**

11.8.1 The head of any division may initiate a request for purchase using the requisition forms mandated by the County Purchasing Department. Such requests shall be coordinated through the undersheriff via the chain of command and approved by the undersheriff or a designee. Upon approval, the request will be returned to the undersheriff for purchase and for accounting.

11.8.2 The development of specifications when indicated, bidding procedures, and/or the selection of vendors or bidders has been designated by the County Charter Section 9.20 to be in accordance with the ordinances approved by the County Council. Any requests from the Sheriff's Office on the above matters shall be in conformance with the Whatcom County Administrative Policy and Procedures Handbook.

11.8.3 The general purchasing practice for the Sheriff's Office shall be to submit the requisitions directly to the Purchasing Department for items costing up to \$2,000. For items costing between \$2,000 and \$10,000, the Sheriff's Office shall submit three oral or written price quotations with the requisition. For items costing between \$10,000 and \$25,000, it is necessary to prepare an Invitation for Proposal or an Invitation to Bid accompanied by the appropriate specifications. A formal bidding procedure should be followed. For items costing above \$25,000, or consulting services costing above \$10,000, the purchase must have the approval of the County Council. The undersheriff shall update the Sheriff's Office's copy of the County Administrative Policy and Procedure's Handbook quarterly.

## **11.9 Emergency Purchases or Rental of Equipment**

11.9.1 Sergeants are issued gas and phone credit cards. Any emergency expenditure regarding vehicles or telephones using these purchase instruments can be authorized by any shift supervisor. The invoices shall be turned in the next duty day to the undersheriff via the chain of command with a memorandum of explanation.

11.9.2 In other minor emergency purchases, the shift supervisor can authorize purchases of up to \$100 to be billed to the County. The invoices shall be turned in the next duty day to the undersheriff via the chain of command with a memorandum of explanation.

11.9.3 All other emergency purchases above \$100 must be approved by the DSO. Such purchase invoices shall be turned in the next duty day to the undersheriff via the chain of command with a memorandum of explanation.

## **11.10 Supplemental Appropriations**

11.10.1 When approved by the sheriff, supplemental or emergency appropriations will be sought from the County Council. The undersheriff, or designee, will prepare an agenda request for submission to the Council. The office of the County Prosecutor will prepare the actual ordinance for inclusion with the agenda request. Fund transfers shall be accomplished after approval by the County Council using the transfer process specified by the County Council. In times of emergency, all emergency requests will be directed to the County Executive.

## **11.11 Fiscal System**

11.11.1 All fiscal management and reporting by the Sheriff's Office shall comply with the Washington State Budget Accounting and Reporting System (BARS) and as directed by the County Auditor.

## **Chapter 12: Classification and Assignment**

### **12.1 Assignment Openings**

12.1.1 [Canceled]

12.1.2 Announcements for Civil Service position/promotional exams will be done according to current Civil Service Rules.

### **12.2 [Canceled]**

## **Chapter 13: Compensation, Benefits and Conditions of Work**

### **13.1 Compensation**

13.1.1 It is the responsibility of each bargaining unit representing the Sheriff's Office employees to provide current contract information to those employees with regards to compensation.

13.1.2 Those employees not covered by a bargaining unit or agreement will be provided information by the Whatcom County Human Resources.

### **13.2 Benefits**

13.2.1 It is the responsibility of each bargaining unit representing the Sheriff's Office employees to provide current contract information to those employees with regards to benefits.

13.2.2 Those employees not covered by a bargaining unit or agreement will be provided information by the Personnel Department of Whatcom County.

### **13.3 Leave**

13.3.1 Administrative Leave - Administrative leaves may be granted by the sheriff after review of the employee's request. All such leaves will be in accordance with the rules established by the Whatcom County Council and the Whatcom County Human Resources.

13.3.2 Holiday/Vacation Leave - Holiday and vacation leave for Sheriff's Office employees is governed by agreements with their respective bargaining units. The use of this leave is governed by contract. Leave for exempt employees is governed by county policy.

13.3.3 Sick Leave - Employees who are part of a bargaining unit will be permitted to take sick leave as governed by the bargaining unit contract. Exempt employees are permitted to take sick leave in accordance with County policy. Abuse of sick leave benefits by reporting off ill or injured when actually fit for duty will be grounds for disciplinary action.

13.3.4 Converting Vacation Time to Sick Leave - If an employee is sick during vacation, Whatcom County policy provides for the conversion of the vacation time to sick leave. Each case in which an employee asks to convert all or part of his or her vacation time to sick time will be decided on its individual merit. It is required that the employee notify their supervisor when he or she becomes injured or incapacitated while on vacation and wishes to make a sick time claim. If the employee's supervisor is unavailable, the employee will notify the on-duty patrol supervisor. Such requests will be governed by county policy, and if applicable, in the bargaining unit contract.

13.3.5 In each instance where the sick time is for three or more days and is substantiated by a medical report, the Sheriff's Office will move favorably for sick time in lieu of vacation days lost.



13.3.6 The sheriff or his or her designee will approve all leaves of absence. Leaves are generally granted only under exceptional circumstances. In requesting leave, an employee should describe in detail the reasons for making the request.

### **13.4 Insurance/Retirement**

13.4.1 The Whatcom County Human Resources provides information regarding insurance and retirement benefits for employees.

13.4.2 The dissemination of any additional information regarding benefits is the responsibility of the employee's bargaining unit.

### **13.5 Notification of Retirement**

13.5.1 Notification of retirement of any employee of the Sheriff's Office will be submitted in writing to the sheriff before leaving service. Terms of the retirement will comply with applicable Whatcom County, Sheriff's Office, and other agreements.

### **13.6 Medical Examinations**

13.6.1 Physical, medical, and psychological examinations required by the Sheriff's Office are provided at no cost to the employees.

### **13.7 Physical Fitness**

13.7.1 Employees are required to maintain a level of physical fitness that will allow them to perform their duties effectively. If a reasonable concern exists about the employee's ability to perform the essential functions of the job, the employee may be required to submit to a physical or mental examination and to bring his or her health or fitness level to an acceptable level.

### **13.8 Address of Residence**

13.8.1 All employees are responsible for seeing that their current street address is and mailing address is on file with the Sheriff's Office. Employees will promptly inform the Sheriff's Office via their supervisor of any change in address. This requirement applies even when a change of address is of a temporary nature.

13.8.2 When an employee's address changes, that employee will immediately deliver a properly completed Change of Address form with the new address information to the shift supervisor who will transmit it to the sheriff's administrative assistant through the chain of command.

### **13.9 Telephone Requirement**

13.9.1 All employees must have a telephone in their residence so that they may be contacted in emergency situations. Employees are responsible for seeing that the telephone number is on file with the Sheriff's Office via their supervisor on the employee's next duty day following the change in telephone number.

### **13.10 Reporting For Duty**

13.10.1 All employees will report for their shift on time and will be physically and mentally fit to perform their duties. They will be properly equipped as per Chapter 46 of this manual. Employees will attend and be attentive to the shift briefing and check the posted briefing information unless relieved by the supervisor. Shift supervisors will assign non-issued equipment as deemed necessary. If required, employees will contact the shift supervisor at the end of briefing to replace renewable supplies. When not so employed, personnel shall be considered "off duty".

### **13.11 Failure to Report Due To Illness/Injury**

13.11.1 When absenteeism is inevitable due to illness or injury, Sheriff's Office employees will notify the on duty shift supervisor or, if he or she is not available, notify the What-Comm dispatcher who will complete the absence report as specified and notify the shift supervisor as soon as possible. Such notification must, if possible, be accomplished at least four hours prior to the employee's shift. Sudden onset of injury or illness or other emergency circumstances are sufficient cause for departure from the requirement. Unless on extended illness or disability leave, all employees shall report by telephone to the on duty shift supervisor each day they are absent.

13.11.2 The shift supervisor shall be responsible to see that an employee reporting in sick will be documented via Sheriff's Office procedure, see Operation's Manual # AP-006.

### **13.12 Absenteeism**

13.12.1 Employees are expected to report for duty on their assigned shifts except when injury, illness, or emergency situations prevent them from doing so. Any employee who fails to report and who does not have a bona fide excuse will be subject to disciplinary action.

### **13.13 Working a Full Shift**

13.13.1 Each employee of the Sheriff's Office shall work those hours or shifts as set in accordance with the collective bargaining agreement in force.

13.13.2 Employees are required to remain on duty for their entire shift unless excused by their supervisor or higher ranking personnel. During the shift, employees will carry out their sworn duties to the best of their abilities. If any employee must leave duty before the end of a shift due to illness or other circumstances, the employee must inform his or her supervisor before leaving. Leaving early without authorization will be deemed neglect of duty and will be grounds for disciplinary action.

### **13.14 Meal Periods/Breaks**

13.14.1 Refer to Operation's Manual #P-005.

### **13.15 Call Back**

13.15.1 Employees may be called back to active duty even if they have completed their assigned shift. In these situations, employees will be required to report back to duty and to carry out duties assigned by the shift supervisor or higher ranking staff employees.

### **13.16 Emergency Recall to Duty**

13.16.1 In the event of emergency or necessary recall to duty, each officer must determine their fitness for duty if alcohol or drugs have been consumed. If the employee feels they are not fit for duty, they must advise the supervisor. In no event will a supervisor require an employee to report for duty when that employee feels they are not fit.

### **13.17 Overtime**

13.17.1 Employees may, under certain circumstances and conditions, be required by supervisors or staff to remain past the regular end of shift or to work in excess of full time weekly hours.

### **13.18 Required Criminal Court Appearances**

13.18.1 Employees who are required to appear in court in connection with their official duties will appear and testify as directed even though the time of appearance falls when they are off shift.

13.18.2 Sheriff's Office employees shall not take part or be concerned either directly or indirectly in making or negotiating any compromise or arrangement for any criminal or person to escape the penalty of law. Employees shall not seek to obtain any continuance of any trial in court out of friendship for the defendant, or otherwise interfere with the courts of justice. This section shall not be construed as preventing an employee from cooperating with the County Prosecuting Attorney in altering any charge, or other action in the furtherance of justice in any case he or she may be concerned with as the arresting or investigating deputy.

13.18.3 All Sheriff's Office employees appearing before any court are to be punctual in attendance. They shall meet with the Prosecutor prior to trial at the time set by the attorney.

13.18.4 [Canceled]

13.18.5 All employees who receive a subpoena for a court appearance when scheduled for vacation will comply with the following procedures in order to notify the staff. Employees will immediately notify the Lieutenant or their bureau chief of the conflict. If the Lieutenant is not available, the employee should notify the Chief Deputy, undersheriff, or sheriff as soon as possible per the bargaining unit contract.

13.18.6 No employee will attend court for any duty related matter while on scheduled vacation for the Sheriff's Office without prior notification and authorization per the bargaining unit contract.

13.18.7 Employees when testifying shall to the best of their ability testify with the strictest accuracy, confining themselves to the case before the court, and shall neither suppress nor overstate the slightest circumstance in such manner as to favor or discredit any person.

13.18.8 When testifying, employees shall never show excessive friendliness or animosity toward any party, counsel, or magistrate participating in any case.

### **13.19 Civil Court Appearances**

13.19.1 No employee or employee shall interest himself/herself in any manner in any civil action arising from his or her official actions or knowledge, except by due process of law.

13.19.2 It is Sheriff's Office policy that employees who are to appear in civil cases which arise from their official duties are to be under subpoena. If they are on duty, they will appear on county time. Any witness fees received will be turned over to the administrative secretary. If the employee is to appear on off duty time, he or she will submit a request for overtime. The attorney who issued the subpoena will be billed by the Sheriff's Office for the overtime. If employees are being paid by the Sheriff's Office, they are not to request or accept any fees other than that received from the Sheriff's Office for appearing in any civil case.

13.19.3 [Canceled]

13.19.4 When an employee or employee is served with a summons and complaint naming him or her as defendant, relating to a suit for damages based on any occurrences or event relating to his or her employment, he or she shall forward the papers immediately to the Deputy Prosecuting Attorney through his or her division chief, together with a report detailing the day and hour of service, the place of service, and the name of the person who was served.

13.19.5 When employees or employees become defendants in a civil case under circumstances arising from their official conduct, they shall immediately secure and maintain all notes, papers, and evidence relating even remotely to the matter, pending contact by the attorneys representing them and the Sheriff's Office. They shall not discuss with outside persons or agencies any matters pertaining to the case unless they have obtained prior clearance from the Prosecuting Attorney. This does not preclude the employee from seeking advice from his or her own attorney or Bargaining Unit representative.

### **13.20 Civil Suits Initiated By Officers**

13.20.1 If an employee initiates a civil suit for damages alleged to have been sustained in the line of duty, or if an employee is being sued as a result of actions alleged to have been taken in the line of duty, the Sheriff's Office has an interest in the progress and outcome of that suit. For this reason, the Sheriff's Office requires employees to inform the Sheriff's Office before they initiate a civil suit, and/or if they are named as a respondent in a civil suit arising out of incidents related to the performance of their duties as Sheriff's Office employees.

13.20.2 No employee or employee shall bring a civil action for damages sustained in the line of duty without first reporting the case in writing to the sheriff through the chain of command. No action shall be taken before the sheriff has been advised.

### **13.21 Transfers**

13.21.1 All transfers within the Sheriff's Office will be made on the basis of the Sheriff's Office's needs. The sheriff will make the final decision regarding the authorization of transfers and their duration. In all transfers to specialized assignments, the requirements of the Sheriff's Office will be the primary consideration and the sheriff will make the final decision as to who is assigned, where, and for what period of time. See Operation's Manual #AP-021 for specifics of assignments to special units.

13.21.2 Employees will not request the aid of any person outside the Sheriff's Office in securing a transfer to another assignment or unit.

13.21.3 All requests for transfer will be submitted through the chain of command and will state the reason that the transfer is requested.

### **13.22 Subpoenas Relating To Sheriff's Office Business/Operations**

13.22.1 Any employee who is served with a subpoena or other legal process relating to the business operations, policies, or procedures of the Sheriff's Office will inform the sheriff immediately. This requirement does not apply to subpoenas relating to the prosecution of a routine criminal case.

### **13.23 Resignation**

13.23.1 Resignation by any employee of the Sheriff's Office in good standing will be submitted in writing to the sheriff before leaving service. Terms of the resignation will comply with Whatcom County Civil Service regulations and the policy of the Sheriff's Office. Resignations require a minimum of ten (10) days' notice.

13.23.2 Any employee of the Sheriff's Office who voluntarily leaves the Sheriff's Office's employ without submitting a formal resignation as required will be deemed to have resigned with prejudice and a suitable notation will be made in his or her personnel record.

### **13.24 Outside Employment**

13.24.1 The nature of additional employment may involve the misuse of the commission or could adversely affect an employee's on duty work performance or the Sheriff's Office's image or efficiency. In considering these points, employees will not be employed by private employers without Sheriff's Office permission in any law enforcement related capacity.

### **13.25 Off-Duty Employment**

13.25.1 Off-Duty Employment

- A. Employees and employees may engage in off-duty employment subject to the following limitations:
  - 1. Such employment shall not interfere with employee/employee's employment with the Sheriff's Office.
  - 2. Employees and employees shall notify the undersheriff of any off-duty employment.
  - 3. Employees and employees or reserves shall not engage in any employment or business involving the active sale or distribution of alcoholic beverages, bail bond agencies, private guard service, collection agencies, or attorneys, without approval of the sheriff.
  - 4. Any off-duty employment which requires the employee to be in uniform or which is of a police function will be assigned by the staff on a rotational basis among all deputies per the bargaining unit contract.
- B. Approval may be denied where it appears that the outside employment might:
  - 1. Require that any special consideration be given to scheduling of the employee's regular duty hours.
  - 2. Bring the Sheriff's Office into disrepute or impair the operation of efficiency of the Sheriff's Office or the employer.

### **13.26 Accumulated Time**

13.26.1 Employees electing to take one or more days off on accumulated time must coordinate the leave through their supervisor for approval through the chain of command. Employees must insure that they are not scheduled for court on the requested days off. Requests for leave will normally be granted provided that shift strength is adequate. See Operation's Manual #AP-019 and #AP-020 for further details.

### **13.27 Shift Trades**

13.27.1 It is the policy of the Sheriff's Office to allow shift trading between employees of the same classification. All shift trades will be documented on Sheriff's Office forms and where applicable will comply with the bargaining unit agreement. See Operation's Manual #AP-016 for the governing procedure.

### **13.28 Traffic Infractions/Parking Tickets**

13.28.1 Employees who receive traffic infractions, parking tickets or warrants on their private vehicles are expected either to pay them or to contest them through normal court channels. In the event the employee was using the vehicle on official authorized county business at the time a parking ticket was issued, the employee will give the ticket or warrant to his or her supervisor who will forward it to the head of their division. The staff officer will arrange for the ticket or warrant to be dismissed, if in his or her opinion, dismissal is warranted. The employee and the undersheriff will be notified of the action taken.

### **13.29 Money for Safekeeping**

13.29.1 Money seized for safekeeping or impounded for evidence in any criminal case will be booked into evidence per Operation's Manual #EV-002.

### **13.30 [Canceled]**

### **13.31 Respect to the Colors**

13.31.1 The proper professional stance during the presentation of the colors or the playing of the National Anthem, when in uniform, will be for employees to stand at attention and salute or place their hand over their heart in the customary tradition.

### **13.32 Neighborhood Disputes**

13.32.1 In other than emergency situations, employees shall not intentionally become involved in quarrels or disputes between their neighbors when off duty. Disinterested persons should handle these disputes. The area car should be called when necessary.

### **13.33 Personal Business While On Duty**

13.33.1 Employees will not conduct personal business during duty hours. Exceptions will be considered on a case by case basis by the employee's supervisor.

### **13.34 Bail Bonds and Attorneys**

13.34.1 Sheriff's Office employees shall not under any circumstances, solicit or recommend attorneys or bail bond services for any person in custody.

### **13.35 Jury Duty**

13.35.1 Any employee or employee who receives notice to appear for jury duty shall deliver such notice to his or her supervisor who will forward it through the chain of command to the undersheriff. The undersheriff shall notify the Prosecuting Attorney that the person named is an employee of the Sheriff's Office.

## **Chapter 14: Collective Bargaining**

### **14.1 Collective Bargaining Unit**

14.1.1 Sheriff's Office employees are represented by collective bargaining agreements with one of the following unions:

- |                        |                                       |
|------------------------|---------------------------------------|
| A. Sergeants, Deputies | Whatcom County Deputy sheriff's Guild |
| B. Correction Officers | Teamster's Union Local 231            |
| C. Support personnel   | Teamster's Union Local 231            |

14.1.2 Collective bargaining with unions and the Guild are carried out by a County designated team. The undersheriff, or other staff employee designated by the sheriff, will be a team employee, and will be responsible for administering negotiated contracts. Final contract approval is reserved to the County Council for financial issues, and the County Prosecutor for language issues.

### **14.2 Dissemination of Agreement**

14.2.1 All respective unions and the Guild are responsible for furnishing copies of the bargaining agreement to their respective employees.

### **14.3 Supervisory Personnel**

14.3.1 The sheriff will inform and train supervisory and management personnel of collective bargaining agreements affecting personnel under their supervision.

### **14.4 Compliance**

14.4.1 There are no written directives necessary to ensure compliance with bargaining agreements. Each agreement stands alone and includes a process for reaching a determination should the two parties to the agreement be at odds as to any language meaning. Each party to the agreement has the obligation and duty to ensure the other party to the agreement is in compliance.



## **Chapter 15: Grievance Procedure**

### **15.1 Grievance Procedure**

15.1.1 Informal Resolution Process - To facilitate communication between employees and the administration, any employee who feels that he or she is not being treated fairly shall be permitted to report the problem to a supervisor or other appropriate commander or to the sheriff via the chain of command. While utilizing this informal process, the employee shall be encouraged to talk with the supervisor as soon as possible after becoming aware of the problem. The supervisor and the employee shall analyze the problem and keep one another informed of the resolution process. If the problem is not resolved at the first supervisory level, a written statement containing pertinent information may be filed with the supervisor's commander or the sheriff who shall make a timely and appropriate response designed to resolve the problem or complaint.

15.1.2 Bargaining agreements and/or Civil Service Rules within the Sheriff's Office contain contract grievance and contract appeal procedures. These procedures are specific and are limited in scope by the contracts. The contract also specifies requirements to be included in the contents of a contract grievance or appeal. Each employee of his or her respective unit will consult the contract for grievance procedures. All grievances must begin with an attempt at reconciliation through the chain of command.

15.1.3 Any situation in which the employee or employee feels a grievance is appropriate should consult with the bargaining unit contract to ensure the matter is one that is grieveable.

15.1.4 All grievances must be submitted in writing and include specifics as to the nature of the dispute and the details leading up to it, as well as a description of the remedy, adjustment, or other corrective action sought.

15.1.5 Supervisory and command employees shall make timely responses to contract grievances and contract appeals as set forth in the appropriate contract. The undersheriff or his designee shall be responsible for coordination of contract grievances and appeals.

15.1.6 The Administrative Assistant shall maintain grievance records in a secured file accessible to division heads, undersheriff, sheriff and Staff Assistant unless otherwise authorized.

15.1.7 Staff employees (Lieutenant and above) are governed by the procedures established through the Civil Service Commission.

## **Chapter 16: Code of Conduct**

### **16.1 Code of Conduct**

16.1.1 Like other professions, law enforcement must establish minimum standards of ethical conduct for its employees. Since law enforcement encompasses an increasing number of specialists, many of whom are not the traditional commissioned peace officers, this policy also is intended to establish expectations of conduct for them. Though the term peace officer is used throughout these canons and standards, the term "Sheriff's Office Employee" should be understood as being interchangeable with the term peace officer for the purposes of this policy. It is the policy of the Sheriff's Office that all Sheriff's Office employees shall be bound by these standards unless specifically excluded by the nature of the standard itself, e.g., when the standard may refer to the exercise of commission authority which some Sheriff's Office employees do not have.

### **16.2 Pledge of Code of Ethics**

16.2.1 As a law enforcement peace 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 men 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 the Sheriff's 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, equally, and appropriately without fear or favor, malice or violence, and never accept gratuities. I recognize the badge of my office as a symbol of public faith, and public trust and will be true to the ethics of law enforcement and the peace officer as long as I am an employee of the Sheriff's Office. I will constantly strive to achieve these objectives and ideals.

## **CODE OF PROFESSIONAL CONDUCT AND RESPONSIBILITY FOR PEACE OFFICERS**

### **16.3 Preamble**

16.3.1 Whereas, peace officers are vested with a public trust which requires that they consistently demonstrate the highest degree of integrity and good moral character; and whereas, the need to maintain high standards of moral character, integrity, knowledge, and trust requires the establishment of a Code of Professional Conduct and Responsibility for Peace Officers as a matter of the highest significance to the health, welfare, and safety of the citizens of this state; and whereas, the establishment of a Code of Professional Conduct and Responsibility of Peace Officers, which includes Canons of Ethics and minimum Standards, requires the granting of authority to enforce these standards

of professional conduct through disciplinary action as necessary for the protection of the health, welfare, and safety of the public; therefore be it resolved that the need to maintain high standards of moral character, integrity, knowledge and trust require that peace officers establish and conform to a Code of Professional Conduct and Responsibility for Peace Officers.

## **16.4 General Statement**

16.4.1 Peace officers are granted a public trust which requires that they consistently demonstrate the highest degree of integrity. To be worthy of this public trust, and to ensure that their professional conduct is above reproach, employees of the law enforcement profession must not only conform to a Code of Ethics but must also abide by these Canons of Ethics and Ethical Standards which constitute this Code of Professional Conduct and Responsibility as a means of internal regulation. The essence of a profession is that it requires, in addition to prescribing a desired level of performance, established minimum standards of ethical conduct with prescribed rules for internal discipline to ensure compliance. Accordingly, this Code of Professional Conduct and Responsibility has been established for the law enforcement profession. Nothing in this Code of Professional Conduct and Responsibility for Peace Officers is intended to limit or supersede any provision of law relating to the duties and obligations of peace officers or the consequences of a violation thereof. Whereas these rules specify certain conduct as unprofessional, this is not to be interpreted as approval of conduct not specifically mentioned. Nothing in this code is intended to limit the authority of the Sheriff's Office to adopt and enforce rules and regulations that are more stringent or comprehensive than those that are contained in this Code of Professional Conduct and Responsibility for Peace Officers.

## **16.5 Definitions**

16.5.1 This Code of Professional Conduct and Responsibility for Peace Officers is comprised of nine Canons of Ethics, with explanatory statements in the form of Ethical Standards. Examples of disciplinary rules and enforcement procedures are included as an addendum. Following are definitions of these terms, as used in the context of the code.

- A. "PEACE OFFICER" means a fully commissioned regular or reserve Deputy (or Correction Officer when on duty), and by extension and where applicable, any other paid or volunteer employee of the Sheriff's Office.
- B. "CANONS" are statements which express in general terms standards of professional conduct expected of peace officers in their relationship with the public, the criminal justice system, and the law enforcement profession. They embody the general concepts from which the ethical standards and the disciplinary rules are derived.
- C. "ETHICAL STANDARDS" are statements that represent the objectives toward which every peace officer shall strive. They constitute principles that can be relied upon by the peace officer for guidance in specific situations.
- D. "DISCIPLINARY RULES" specify an unacceptable level of conduct for all peace officers, regardless of their rank or the nature of their assignment. Any peace officer who violates any agency rule

that applies to these Canons and Standards is guilty of unprofessional conduct, and is subject to disciplinary action. Violation of disciplinary rules requires appropriate adjudication and disciplinary action ranging from oral reprimand, written reprimand, to termination and/or criminal prosecution or other administrative action sanctioned by law, as dictated by the individual case.

- E. "ENFORCEMENT PROCEDURES" are the fundamental rights of an accused peace officer which are applicable to a disciplinary investigation or proceeding against the peace officer.
- F. "ADMINISTRATIVE INVESTIGATION" is an investigation conducted to determine whether a peace officer has violated any provision of this code, or any agency rule or regulation; or whether a peace officer is impaired or unfit to perform the duties and responsibilities of a peace officer.
- G. "FORMAL DISCIPLINE" refers to the final adjudication of administrative or disciplinary charges.

## **CANONS OF ETHICS**

### **16.6 Canon One**

16.6.1 Peace Officers shall uphold the Constitution of the United States, the State Constitution, and all laws enacted or established pursuant to legally constituted authority.

#### **Ethical Standards**

16.6.2 Peace officers shall recognize that the primary responsibility of their profession and of the individual peace officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and State Constitutions and laws derived therefrom.

16.6.3 Peace officers shall be aware of the extent and limitations of their authority in the enforcement of the law.

16.6.4 Peace officers shall diligently study principles and new enactments of the laws they enforce.

16.6.5 Peace officers shall be responsible for keeping abreast of current case law as applied to their duties.

16.6.6 Peace Officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.

16.6.7 Peace officers shall respect and uphold the dignity, human rights, and Constitutional rights of all persons.

### **16.7 Canon Two**

16.7.1 Peace officers shall be aware of and shall use proper and ethical procedures in discharging their official duties and responsibilities.

### **Ethical Standards**

16.7.2 Peace officers shall be aware of their lawful authority to use that force reasonably necessary in securing compliance with their lawful enforcement duties.

16.7.3 Peace officers shall truthfully, completely, and impartially report, testify, and present evidence in all matters of an official nature.

16.7.4 Peace officers shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants, and collection and preservation of evidence.

16.7.5 Peace officers shall follow the principles of integrity, fairness, and impartiality in connection with their duties.

### **16.8 Canon Three**

16.8.1 Peace officers shall regard the discharge of their duties as a public trust and shall recognize their responsibilities to the people whom they are sworn to protect and serve.

#### **Ethical Standards**

16.8.2 Peace officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.

16.8.3 Peace officers, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.

16.8.4 Peace officers shall ensure that they are prepared for the effective and efficient undertaking of their assignment.

16.8.5 Peace officers shall safely and efficiently use equipment and material available to them.

16.8.6 Peace officers shall be prepared to and respond effectively to the demands of their office.

16.8.7 Peace officers, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.

16.8.8 Peace officers shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official acts or decisions.

16.8.9 Peace officers shall recognize that their allegiance is first to the people, and then to their profession and the government entity or agency that employs them.

### **16.9 Canon Four**

16.9.1 Peace officers will so conduct their public and private life that they exemplify the high standards of integrity, trust, and morality demanded of an employee of the law enforcement profession.

## **Ethical Standards**

16.9.2 Peace officers shall refrain from consuming intoxicating beverages to the extent that it results in impairment which brings discredit upon the profession or their employing agency, or renders them unfit for their next tour of duty.

16.9.3 Peace officers shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties.

16.9.4 Peace officers shall not use any narcotics, hallucinogens, or any other controlled substance except when legally prescribed. When such controlled substances are prescribed, peace officers shall notify their supervisors prior to reporting for duty.

16.9.5 Peace officers shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the law enforcement profession. Peace officers shall not participate in any incident involving moral turpitude.

16.9.6 Peace officers shall not undertake financial obligations which they know they will be unable to meet and shall pay all just debts when due.

16.9.7 Peace officers shall not engage in illegal political activities.

16.9.8 Peace officers shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as peace officers in connection with testimonials, advertisements for any commodity, commercial enterprise, or commercial service which is not the product of the peace officer involved.

16.9.9 Peace officers shall not engage in any activity which would create a conflict of interest or would be in violation of any law.

16.9.10 Peace officers shall at all times conduct themselves in a manner which does not discredit the law enforcement profession or the Sheriff's Office.

16.9.11 Peace officers shall not be disrespectful, insolent, mutinous or insubordinate in attitude or conduct.

16.9.12 Peace officers shall be courteous and respectful in their official dealings with the public, fellow peace officers, superiors, and subordinates.

16.9.13 Peace officers shall not engage in any strike, work obstruction or abstention, in whole or in part, from the full, faithful and proper performance of their assigned duties and responsibilities, except as authorized by law.

16.9.14 Peace officers shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration, while acting in an official capacity.

## **16.10 Canon Five**

16.10.1 Peace officers shall recognize that our society holds the freedom of the individual as a paramount precept which shall not be infringed upon without just, legal, and necessary cause.

### **Ethical Standards**

16.10.2 Peace officers shall not restrict the freedom of individuals, whether by detention or arrest, except to the extent necessary to legally or reasonably apply the law.

16.10.3 Peace officers shall recognize the rights of individuals to be free from capricious or arbitrary acts which deny or abridge their fundamental rights as guaranteed by law.

16.10.4 Peace officers shall not use their official position to detain any individual, or to restrict the freedom of any individual, except in the manner and means permitted or prescribed by law.

## **16.11 Canon Six**

16.11.1 Peace officers shall assist in maintaining the integrity and competence of the law enforcement profession.

### **Ethical Standards**

16.11.2 Peace officers shall recognize that every person in our society is entitled to professional, effective, and efficient law enforcement services.

16.11.3 Peace officers shall perform their duties in such a manner as to discourage double standards.

16.11.4 Peace officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

16.11.5 Peace officers shall maintain the integrity of the profession through complete disclosure of those who violate any of these rules of conduct, violate any law, or who conduct themselves in a manner which tends to discredit the profession.

16.11.6 Peace officers shall have responsibility for reporting to proper authorities any known information which would serve to disqualify candidates from transferring within or entering the profession.

16.11.7 Peace officers shall be responsible for maintaining a level of education based on materials and training provided by the Sheriff's Office.

16.11.8 The sheriff, as the chief law enforcement official of Whatcom County, shall accept the responsibility of utilizing all available resources and the authority of the Sheriff's Office to maintain the integrity of the Sheriff's Office and the competency of the Sheriff's Office employees. These Canons and Ethical Standards shall apply to all legally defined Peace Officers regardless of rank.

16.11.9 Peace officers shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other employees of the profession.

## **16.12 Canon Seven**

16.12.1 Peace Officers shall cooperate with other officials and organizations that are using legal and ethical means to achieve the goals and objectives of the law enforcement profession.

### **Ethical Standards**

16.12.2 Peace officers, within legal and Sheriff's Office guidelines, shall share with personnel, both within and outside the Sheriff's Office, appropriate information that will facilitate the achievement of criminal justice goals or objectives.

16.12.3 Peace officers, whether requested through appropriate channels or called upon individually, shall render needed assistance to any other peace officer in the proper performance of their duty.

16.12.4 Peace Officers shall, within legal and Sheriff's Office guidelines, endeavor to communicate to the people of their community the goals and objectives of the profession, and keep them apprised of conditions which threaten the maintenance of a lawful society.

## **16.13 Canon Eight**

16.13.1 Peace officers shall not compromise their integrity or that of their profession or the Sheriff's Office by accepting, giving, or soliciting any gratuity.

### **Ethical Standards**

16.13.2 Peace officers shall refuse to offer, give, or receive gifts, favors or gratuities, either large or small, which can be reasonably interpreted as capable of influencing official acts or judgments. This standard is not intended to isolate peace officers from normal social practices, or to preclude gifts among friends, associates, or relatives, where appropriate.

16.13.3 Peace officers shall not consider their badge of office as a license designed to provide them with special favor or consideration.

## **16.14 Canon Nine**

16.14.1 Peace officers shall observe the confidentiality of information available to them through any source, as it relates to the law enforcement profession.

### **Ethical Standards**

16.14.2 Peace officers shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.

16.14.3 Peace officers shall treat as confidential the official business of the Sheriff's Office, and shall release or disseminate such information solely in an authorized manner.



16.14.4 Peace officers shall treat as confidential that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.

16.14.5 Peace officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

16.14.6 Peace officers shall treat as confidential all matters relating to investigations, internal affairs, and personnel.

## **16.15 Investigations of Complaints against Officers and Employees**

16.15.1 To ensure and exercise accountability for compliance with the canons, it is necessary to have a system of review, examining selected official acts. This review may be initiated from any source providing information of a concern for an officer's actions. Its end product must be, at a minimum, assurance that any policies, procedures, or individual actions meet the test of fairness, equity and justice, or, being found to fall short of these tests, will be subject to prompt corrective action.

16.15.2 A relationship of trust and confidence between Sheriff's Office employees and the community they serve is essential to effective law enforcement. Peace officers must be free to exercise their best judgment and to initiate law enforcement action in a reasonable, lawful, and impartial manner without fear of reprisal. In addition peace officers, when enforcing the law, have a primary obligation to meticulously respect the rights of all people. When asked by an employee of the public for identifying information, an officer must give his or her name, rank, and personnel number to the requesting person.

16.15.3 Meeting the responsibility to itself and the community, the Sheriff's Office establishes in Chapter 28 of this manual, a system of complaint and disciplinary procedures by and through this policy. The system will not only subject an employee to corrective action when improper conduct is evident, it will protect the individual employee when he or she discharges his or her duty properly.

16.15.4 It is the purpose of these procedures to provide a prompt, just, open, and expeditious disposition of complaints, from whatever source, regarding the conduct of the Sheriff's Office employees. To this end, the Sheriff's Office welcomes constructive and valid criticism of its procedures, complaints from concerned citizens of the community, and from its own employees.

16.15.5 The disciplinary system of the Sheriff's Office is governed by this manual in Chapter 28, the Operation's Manual, the Civil Service Rules for Whatcom County, collective bargaining agreements which are in effect, and all applicable laws and regulations.

16.15.6 Sheriff's Office employees will obey all applicable federal, state, and local laws of Whatcom County. Employees will also obey all policies, rules, regulations, directives, and orders as may be issued by the Sheriff's Office and its superior officers/employees.

16.15.7 The ultimate goal of the disciplinary process is to develop and maintain the highest possible levels of positive and effective professional performance, conduct, and behavior by all the Sheriff's Office's employees and employees.

## **16.16 Other Conduct Violations**

16.16.1 While on duty, an employee shall not, except in the performance of his or her duty, engage in games of chance.

16.16.2 Each employee or employee shall conduct himself/herself, whether on duty or off duty, in such a manner as to conform to the moral standards of the community.

16.16.3 Employees or employees shall not recommend to any person the employment of a specific attorney, bail bondsman, or other individual or firm for the purpose of personal or other service required as the result of an action, incident, or condition with which the Sheriff's Office is concerned as an investigative or public service agency.

16.16.4 Employees and employees individually or representing police organizations are prohibited from issuing to persons other than Sheriff's Office employees any card, button, or other device which assumes to grant to the person holding any such credentials, any special privileges, or consideration so far as the business of the Sheriff's Office is concerned, except that the sheriff may issue such credentials at his or her discretion.

16.16.5 Employees and employees shall treat as confidential the official business and records of the Sheriff's Office. Disclosure shall be in accordance with state and federal disclosure laws.

16.16.6 Employees and employees shall not reveal the names of complainants in cases that are investigated by the Sheriff's Office unless the nature of the case requires such revelation in accordance with state and federal laws.

16.16.7 Employees and employees shall not reveal sources of information in connection with cases under investigation by this or any other Sheriff's Office unless so ordered by proper authority.

16.16.8 No employee or employee shall reveal the names of witnesses or other information concerning a criminal case in which there is court action pending except to the prosecuting attorney, other criminal justice system agencies, or by court order.

16.16.9 Employees and employees shall not reveal, except to authorized persons, the status of any investigation being conducted by the Sheriff's Office.

16.16.10 Employees and employees shall refer citizens or other parties with questions concerning criminal histories, arrest records, or other sensitive information to the Records bureau.

16.16.11 Employees and employees shall not discuss the testimony which they will give in any criminal court action, nor shall they sign statements concerning any criminal case for any person not officially connected with the Sheriff's Office, except for such official agency as the Prosecuting Attorney or by direction of the Prosecuting Attorney or his or her deputy.

16.16.12 Employees or employees who are contacted by attorneys desiring information concerning a criminal case shall refer them to the Prosecuting Attorney. See Operations Manual #P-011.

16.16.13 Employees and employees who are to deliver an address at any public gathering which concerns the work of the Sheriff's Office shall notify his division chief in writing prior to such appearance. Any public statement concerning the work of the Sheriff's Office shall conform to current Sheriff's Office policy.

16.16.14 Employees shall not display cowardice or fail to support their fellow officers in the performance of duty.

16.16.15 Employees or employees shall not sleep while on a regular tour of duty.

16.16.16 Employees or employees shall not knowingly make false statements when questioned, interviewed, relaying information, in submitting reports, or in any other document regarding Sheriff's Office business.

16.16.17 Employees and employees shall be punctual in reporting for duty at the time and place designated by their superior officers. Habitual failure to report promptly at the time directed shall be deemed neglect of duty.

16.16.18 Employees or employees shall not use their positions as personnel of the Sheriff's Office to seek free admissions to places of amusement, sporting events, etc. Furthermore, they shall not solicit free meals or transportation, or any other favors or gratuities which would not ordinarily be accorded to a private citizen.

16.16.19 No employee or employee shall permit the use of their name or photograph in any venture or advertisement that identifies, connects, or capitalizes on their position or association within the Sheriff's Office without permission of the sheriff or undersheriff.

16.16.20 No employee or employee shall fabricate, withhold, or destroy evidence of any kind unless in accordance with Sheriff's Office policy, state law, and court order.

16.16.21 No employee or employee shall make false official reports, or knowingly or willingly cause to be entered in any Sheriff's Office books, records, or reports any inaccurate, false, or improper information or material matter.

16.16.22 It shall be the duty of every employee or employee to report to his or her immediate supervisor any information that may come to his or her attention, or possession regarding criminal activities in Whatcom County or other areas.

16.16.23 Any employee of the Sheriff's Office in uniform meeting another employee in civilian clothes shall in no manner indicate that he or she recognizes the plain clothes deputy unless he or she is first spoken to by said plain clothes deputy first.

16.16.24 Employees while attired in plain clothes or civilian clothes shall not intentionally display to the public or in public places, any of the articles of equipment that identify him or her as a law enforcement officer, except in the performance of his or her official duty.

16.16.25 Employees or employees shall not install or carry on their private motor vehicles any emergency equipment, i.e., blue lights, sirens, police radio receiver/transmitter, etc. without written authorization from the sheriff. This section should not be construed to include or prohibit the installation of police radio scan equipment or C. B. radios, etc.

16.16.26 Employees will maintain a calm, courteous, and positive disposition regardless of provocation, while executing their duties.

16.16.27 Employees will treat other employees, superior officers, subordinates, and associates with respect and civility.

16.16.28 Superior officers shall be addressed formally or respectfully referred to by rank by other employees while on duty and in the presence of the public, subordinate employees, or others outside of the Sheriff's Office.

16.16.29 Employees will not use abusive, violent, insulting, or provocative language that is insulting, degrading, racist, or demeaning to any person or group for any reason that cannot be legally, ethically, or morally justified.

16.16.30 Employees shall, in a timely fashion, complete and submit all forms and reports required by the Sheriff's Office and the State of Washington. See Operations Manual #P-031.

16.16.31 Employees shall maintain a professional attitude and manner when communicating by radio. Rude, sarcastic, or abrasive remarks or attitudes are strictly prohibited.

16.16.32 Employees shall have in their possession a valid Washington State driver's license while operating a Sheriff's Office vehicle.

16.16.33 Employees shall not drink any alcoholic beverage while on regular duty. See Chapter 42 of this manual.

## **16.17 [Canceled]**

## **16.18 Response to Domestic Violence Incidents involving Sheriff's Office Employees and Law Enforcement Employees**

### **16.18.1 Purpose**

The purpose of this policy is to establish standards, procedures and protocols in conformance with state and federal law for the response and investigation of complaints, allegations or suspicions of acts of domestic violence involving employees of the Whatcom County Sheriff's Office and employees of other law enforcement/corrections agencies that are reported to the Whatcom County Sheriff's Office.

### **16.18.2 Definitions**

Definitions contained in the Whatcom County Sheriff's Office Domestic Violence Response Operations Policy are incorporated by reference into this policy.

Law Enforcement/Corrections agency means any local, state or federal law enforcement or corrections agency including but not limited to agencies of the United States Department of Homeland Security when involved employees of those agencies possess the authority to carry firearms and/or make arrests.

Employee means any employee of the Whatcom County Sheriff's Office including but not limited to commissioned deputy sheriffs, corrections deputy sheriffs, non-commissioned employees, reserves, volunteers and all command staff.

### **16.18.3 Policy**

Public confidence in law enforcement is paramount to our ability to maintain public safety. To that end, the public must trust that employees of law enforcement agencies are held to the standards of the law regarding domestic violence. Therefore, the agency will:

1. Delineate a zero-tolerance position towards acts of domestic violence perpetrated by employees of this agency or by employees of other law enforcement agencies.
2. Establish a continuum approach seeking first to educate at all phases of an employee's career, then prevent, or interdict, domestic violence situations early on in order to reduce victimization of the partner and increase the chances of career stability.
3. Promptly respond to allegations of domestic violence by an employee of the Whatcom County Sheriff's Office or an employee of any other law enforcement or correctional agency in accordance with this policy, the established WCSO Domestic Violence Response Policy and all applicable laws.
4. Give primary consideration to protection of victims of domestic violence and enforcement of the laws.

5. Respect the due process rights of all employees, according to applicable legal precedent and collective bargaining agreements.
6. Expeditiously report and conduct thorough investigations into any allegation, complaint or suspicion that an employee of any law enforcement or correctional agency is or has been involved in domestic violence.
7. Provide training, reference materials and referral information to employees and their families about applicable polices, intimate partner violence and avenues for assistance.

#### **16.18.4 Agency Actions**

1. Prevention through collaboration
  - a. The Sheriff's Office will maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.
  - b. The Whatcom County sheriff is by ordinance an employee of the Bellingham-Whatcom County Commission against Domestic Violence.
  - c. Community-based service agencies such as Domestic Violence and Sexual Assault Services of Whatcom County will be consulted prior to any substantive changes to this policy being affected.
2. Education
  - a. The Sheriff's Office will provide ongoing in-service training on domestic violence issues, dynamics and investigation strategies as may be deemed applicable.
  - b. The Sheriff's Office will, within its means, participate in and/or provide training when requested to local domestic violence advocates, volunteers and social service agencies.
  - c. The Sheriff's Office shall collaborate with local domestic violence victim advocacy organizations, coordinating councils, Prosecuting Attorney's Office, employees specialized in domestic violence issues and training, and the Criminal Justice Training Commission in the development of domestic violence training curricula and shall include above professionals in the training of Sheriff's Office personnel.
3. Early Warning and Intervention
  - a. Pre-hire screening and polygraph examination
    - i. A thorough background investigation shall be done on all potential new employees to determine if domestic violence, child abuse/neglect and elder abuse issues exist.
    - ii. All candidates shall be asked about any past allegations, arrests or convictions for domestic violence-related incidents and the current or past existence of any protective or restraining order issued under RCW sections 10.99, 10.14, 26.50, 26.44 or equivalent statutes of another state or jurisdiction.
    - iii. Any candidate with a history or domestic violence conviction shall be eliminated at this point in the hiring process.

- b. Post-Conditional Offer of Employment
  - i. Candidates shall be screened for domestic violence, child and elder abuse issues during the psychological examination process.
- 4. Post-Hire Intervention
  - a. In response to observed behavior or at the request of an employee of the Whatcom County Sheriff's Office, the agency may offer or recommend intervention services to employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.
  - b. Any act of domestic violence committed by any employee of the Whatcom County Sheriff's Office is deemed to be "Class One" Misconduct and will be reported in the manner outlined in Chapter 28, Section 4 of Rules and Regulations.
  - c. 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. This section is not applicable to privileged communications that are recognized by law.
  - d. Victims of domestic violence perpetrated by agency employees will be provided an agency point of contact to serve as a liaison to the victim, respond to victim's concerns and 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. The liaison should have experience and training in domestic violence issues. The sheriff or his designee shall be responsible for making such an assignment.
  - e. This agency will provide information to other employing law enforcement or correctional agencies within 24 hours of receiving allegations or suspicions of domestic violence.
  - f. This agency will provide victims of domestic violence suspected or alleged to have been perpetrated by employees of the Whatcom County Sheriff's Office contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim's information if such information has not already been provided by a law enforcement agency with primary jurisdiction.
  - g. Information shall be made available upon request regarding these rules and regulations, any other agency domestic violence policy, and programs under RCW 26.50.150 to employees, their families and the public.

#### **16.18.5 Official Response to Allegations**

- 1. Allegations or suspicions based on credible sources regarding acts of domestic violence by an employee of the Whatcom County Sheriff's Office shall result in:
  - a. An appropriate Class One internal investigation as provided for in Chapter 28 of the Rules and Regulations.
  - b. An appropriate criminal investigation if the alleged acts occurred within the primary jurisdiction of the Whatcom County Sheriff's Office. Criminal investigations relating to

- domestic violence will be conducted as provided for in Chapter 28 of the Rules and Regulations.
- c. Following preliminary inquiries into allegations or suspicions of domestic violence, consideration will be given to relieve an employee of the Whatcom County Sheriff's Office of agency-issued weapons and suspend law enforcement powers pending resolution of an investigation as provided for in Chapter 28 of this Manual.
  - d. The application of appropriate sanctions if it is sustained that the employee committed an act of domestic violence as provided for in Chapter 28 of the Rules and Regulations.
2. Allegations or suspicion based upon credible sources of acts of domestic violence committed within this agency's primary jurisdiction by an employee of another law enforcement/corrections agency shall result in:
- a. An appropriate criminal investigation conducted in accordance with standards and policies of the Whatcom County sheriff.
  - b. Verbal notification as soon as practical by a supervisor of the Whatcom County Sheriff's Office to a supervisor of the law enforcement/correctional agency of which the person alleged or suspected of having committed an act of domestic violence is an employee.

#### **16.18.6 Employee Actions**

1. Employees with issues that they calculate could escalate into domestic violence are encouraged to seek confidential professional counseling assistance or psychological services from a domestic violence specialist. Several alternatives for seeking assistance include:
  - a. Whatcom County maintains a confidential employee assistance program (EAP) that can be accessed without an employee's identity being divulged. Current contact information for this program will be maintained on agency bulletin boards or can be accessed by anonymously requesting information from Whatcom County Human Resources.
  - b. The Sheriff's Office Chaplain may be contacted for assistance as provided by Sheriff's Office policy.
  - c. Domestic Violence and Sexual Assault Services of Whatcom County may be contacted for assistance and referral information.
  - d. Private services may be available through local professionals in the community.
  - e. Employees of the Whatcom County Sheriff's Office, who are victims of domestic violence, are encouraged to request assistance. Sheriff's Office employees are not subject to discipline for failing to report their own abuse unless the victim is a commissioned employee of the Sheriff's Office, and their abuser is also an employee of the Whatcom County Sheriff's Office. Requests for assistance can be made to the employee's supervisor or directly to the Chief Deputy of their respective division, the undersheriff or sheriff.



It shall be the policy of the Whatcom County Sheriff's Office to assist victims reporting under this section with developing a safety plan and coordinating the timing of action by the agency.

2. Employees charged with investigating allegations or suspicions of domestic violence or who are victims of domestic violence should be alert to the possibility of witness/victim intimidation. If such intimidation is known or suspected to have occurred, the duty staff officer shall be notified immediately.
3. The obligation of employees to cooperate with criminal or Class One internal investigations into allegations or suspicions of domestic violence are outlined in Chapter 28 of this Manual. Nothing in this section shall be construed to restrict an employee under criminal investigation from exercising his or her legal rights.
4. When a law enforcement agency responds to a call in which an employee is alleged to have been involved in an act of domestic violence, the employee must immediately report that law enforcement response to an on-duty supervisor in their chain of command, or if no such supervisor is available, to the duty staff officer. Any supervisor receiving such a notification shall immediately notify the duty staff officer and shall within 24 hours, submit a written report to the sheriff via the chain of command.
5. When an employee becomes aware that he or she is the subject of an investigation for child abuse, elder abuse or neglect, or becomes subject to an order under RCW 26.44.063 or RCW 26.50, RCW 10.99, RCW 10.14 or any equivalent order issued by another state or tribal court, that employee must immediately report the existence of such investigation or order to an on-duty supervisor in their chain of command or if no such supervisor is available, to the duty staff officer. Any supervisor receiving such a notification shall immediately notify the duty staff officer.
6. Any employee who is arrested, charged with a crime, issued a criminal citation or summons or is otherwise notified to appear in court as a defendant in any misdemeanor, gross misdemeanor or felony case, is under an affirmative obligation to report the same to a Sheriff's Office supervisor in the most immediate and expeditious manner possible as provided for in Chapter 28 of the Rules and Regulations.

#### **16.18.7 Supervisor Actions**

1. Supervisors are to be aware of behaviors in their subordinates that could be indicative of domestic violence and properly process observations of such behavior.
2. All agency supervisors are required to see that domestic violence incidents are properly recorded and processed according to this policy. Supervisory notifications required under this policy shall be made to the Chief Deputy of the respective division through the chain of command as soon as possible. If this cannot be accomplished, notifications will be made

directly to the duty staff officer and if this cannot be accomplished, to the undersheriff or sheriff.

#### **16.18.8 Incident Response Protocols**

1. Notification of any allegation or suspicion of domestic violence involving any employee of a law enforcement or correctional agency requires a prompt response, full investigation, a complete written report and notification to the agency of which the person is an employee.
2. Sheriff's Office responses to the scene of domestic violence involving persons known to be employees of law enforcement or corrections agencies require on scene supervisory presence.
3. All allegations or suspicions of domestic violence by employees of the Whatcom County Sheriff's Office require notification through the chain of command to the sheriff. The chain of command may be by-passed if the involved employee is within the chain of command or if necessary to make the report expeditiously.
4. Incidents of domestic violence by persons known to be employees of other law enforcement/corrections agencies require prompt notification of the agency head of the employing agency. In the case of federal or state law enforcement agencies, notification will be made to the person in charge of such agency in this geographical region. The sheriff or his or her designee shall be responsible for ensuring such notifications are made.
5. In the event of a report of domestic violence alleged to have been committed by the sheriff, prompt notification will be made to the Whatcom County Prosecuting Attorney.

#### **16.18.9 Dispatch Response**

1. When dispatch personnel are aware of a situation involving alleged or suspected domestic violence involving an employee of a law enforcement/corrections agency, a Sheriff's Office supervisor will be immediately notified.
2. Dispatch personnel shall prepare and preserve documentation of all pertinent information relating to the call, including call receiver notes, CAD information and supplemental information.
3. All audio recordings of phone calls and radio transmissions shall be preserved and forwarded upon request to the appropriate investigator.

#### **16.18.10 Patrol Response**

1. When a deputy sheriff determines that an incident which he or she is handling involves allegations or suspicions of domestic violence involving a person known to be an employee of a law enforcement or corrections agency, a supervisor shall be requested to respond to the scene.
2. All protocols and procedures for investigating allegations or suspicions of crimes involving domestic violence contained in the domestic violence response operations policy shall be adhered to.

3. The primary deputy sheriff shall inquire if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal if it can be lawfully accomplished or explain the process for seeking a court order for removal.
4. The primary deputy sheriff, and any employees involved in the incident investigation will complete their report(s) as soon as possible, prior to the completion of their shift.
5. A copy of the report should be forwarded to the sheriff through the chain of command. Access to the report should then be restricted to some form of “read only” version or physically secured in a sealed envelope that will be accessed only by those in the chain of command.
6. Deputy sheriffs that have responded to or become aware of suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, etc. or other troubling event involving law enforcement officers/corrections deputies will complete written reports of the incident and notify their supervisor.

#### **16.18.11 Law Enforcement Supervisory Response**

1. A WCSO law enforcement supervisor shall respond whenever practical to the scene of any domestic violence incident involving employees of the Whatcom County Sheriff’s Office if within a reasonable distance of Whatcom County. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation. A duty staff officer will be contacted as soon as possible for guidance.
2. A WCSO law enforcement supervisor shall respond to the scene of all domestic violence incidents within the agency jurisdiction involving any law enforcement or corrections officer.
3. The WCSO law enforcement supervisor shall coordinate the investigation, applying appropriate resources and ensuring command notification.
4. The WCSO law enforcement supervisor will write a report on all incidents, whether deemed criminal or not and route it to the sheriff through the chain of command.
5. If an employee of the Whatcom County Sheriff’s Office is arrested, the on-scene supervisor will order the surrender of any agency-issued weapons, badge and identification and place the employee on immediate suspension as provided for in Chapter 28 of the Rules and Regulations. Consideration should be given to other agency property and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.
6. If an officer from another law enforcement/corrections agency is arrested, the law enforcement supervisor shall contact that jurisdiction prior to custody transport and request authorization to seize that employee’s duty weapons or arrange for the employing agency to take control of the same if this can be lawfully accomplished in accordance with all laws including those relating to search and seizure
7. If a suspect is at large and the Whatcom County Sheriff’s Office is the primary law enforcement agency with criminal jurisdiction, the law enforcement supervisor will employ sufficient

resources in order to make a good faith effort to locate the suspect if there is probable cause for an arrest.

8. If the Whatcom County Sheriff's Office is the agency with primary criminal jurisdiction, the law enforcement supervisor will explain the process to the victim, including the opportunity for an emergency protection order, administrative no-contact order, if applicable as well as applicable confidentiality statutes and policies.
9. If not already provided, the law enforcement supervisor will provide the victim with a copy of this policy and agency contact information, and will act as an interim point of contact until an official assignment is made.

#### **16.18.12 Duty Staff Officer (DSO) Actions**

1. Upon being notified of an incident covered by this policy, the DSO will see that the sheriff is also notified promptly of such incident.
2. The DSO will issue appropriate administrative orders regarding the following:
  - a. Prohibiting contact with the victim if appropriate and lawful. The Prosecuting Attorney should be consulted regarding the appropriateness of such an order.
  - b. The DSO will review, or if applicable consider, the emergency suspension of the involved employee(s). If applicable, the employee's law enforcement powers, credentials, duty weapon and other agency owned property should be removed pending investigation pursuant to this and other applicable policies. The DSO will consult with the sheriff and keep him or her apprised of any administrative orders.
3. The DSO will respond or designate a command officer to respond to the scene if the involved employee is a sergeant or above or if the situation dictates command presence.
4. For responses involving employees of other law enforcement agencies:
  - a. The DSO will verify command notification of the employing agency.
  - b. The DSO will verify the supervisor has offered assistance with removing weapons, police powers, etc.
  - c. The DSO will see that the agency provides appropriate reports and any other requested documentation to the employing agency. The Prosecuting Attorney's Office may be contacted for advice if potential privacy issues are involved.

#### **16.18.13 Domestic Violence Specialist Response**

1. The sheriff or his or her designee shall assign criminal investigations beyond initial patrol response and coordinate with the detective sergeant. The criminal investigator assigned to the case will coordinate with the Prosecuting Attorney's Office.
2. In situations involving Sheriff's Office employees, the sheriff or his or her designee, in addition to assigning a Sheriff's Office liaison as provided in Section 16.18.4, Paragraph 4.d., shall facilitate victim contact with a person outside the agency that is competent in victim safety and

advocacy. This process will be coordinated with the appropriate domestic violence advocacy organization. To the extent possible, the sheriff or his or her designee will attempt to ensure that the victim is kept advised of administrative and criminal proceedings. This may be accomplished through the person specializing in victim safety and advocacy that is assisting the victim.

3. All completed investigations of domestic violence that reveal reasonable suspicion of a domestic violence crime committed by any employee of the Sheriff's Office shall be promptly forwarded to the Prosecuting Attorney for a charging decision. In the event the sheriff is suspected of having committed a domestic violence crime, the appropriate Division Chief or undersheriff will contact the Prosecuting Attorney for guidance on how to proceed with a criminal investigation.

#### **16.18.14 Victim Safety and Notifications**

1. All victim safety, risk assessment and notifications required by the Domestic Violence Response Operations Policy shall be adhered to when employees of the Whatcom County Sheriff's Office or other law enforcement agencies are involved.

#### **16.18.15 Administrative Considerations**

1. Where sufficient information exists, the sheriff or his or her designee will make appropriate restrictions to assignments, law enforcement powers, building and records access, and consider administrative reassignment and/or leave in accordance with any existing policies.
2. In determining the proper course of administrative action, the sheriff or his or her designee may consider risk assessment instruments and/or the use of independent outside investigators, and other factors such as the employee's history of complying with rules as consistent with the Rules and Regulations of the Office.
3. Sheriff's Office employees may be ordered to undergo a fitness for duty evaluation prior to any disposition, depending on the circumstances and in accordance with applicable administrative policies, collective bargaining agreements and civil service rules.

Note: Nothing in this policy is intended to require punitive measures against an employee victim of domestic violence for failing to report their abuse or to require actions in conflict with collective bargaining agreements or other due process guarantees. When the sole disciplinary issue is failure to report, it is the policy of the Sheriff's Office to consider the fact that the commissioned deputy is the victim as a mitigating circumstance in determining the discipline.

## **Chapter 17: Recruitment**

### **17.1 Selection Process for Applicants**

17.1.1 The Sheriff's Office will conform to County Personnel Policy, County Civil Service regulations, and this policy manual with regard to the recruitment and selection of prospective commissioned and non-commissioned employees.

17.1.2 Whatcom County Personnel policies prescribes standards, job related written tests of mental ability and aptitude, an oral interview, physical agility and endurance test, medical examination, psychological examination, and an in depth background investigation required of all new applicants.

17.1.3 Pre-employment screening for the Sheriff's Office shall include but is not limited to the following;

- A. Background investigation including references
- B. Polygraph examination (by the Sheriff's Office.)
- C. Psychological examination (by a Sheriff's Office designated professional.)
- D. Physical examination (by a Sheriff's Office designated physician.)
- E. Criminal history
- F. Credit history
- G. Driver's license history
- H. Child abuse background form

### **17.2 Equal Employment Opportunity**

17.2.1 The Sheriff's Office is an Equal Opportunity Employer. Being such, the Sheriff's Office will enforce all federal, state, and local laws, ordinances, rules, directives or advisories that pertain to Equal opportunity Employment.

### **17.3 Background Investigations**

17.3.1 The Sheriff's Office will conduct background investigations of all employees to ensure the integrity of the Sheriff's Office and to maintain the public trust. Prospective employees who have backgrounds that may jeopardize the integrity of the Sheriff's Office or damage the public trust will be disqualified.

17.3.2 When a vacant position occurs in the Sheriff's Office, the undersheriff shall immediately request the current eligibility list for that position from Whatcom County Human Resources. The undersheriff will then ensure interviews with the appropriate candidates are conducted jointly with the sheriff, undersheriff, and the Chief of the Division in which the prospective employee will be employed. They

will select the final top candidate. The selected candidate's application will be forwarded or delivered to the Division Chief for assignment.

17.3.3 The undersheriff will select a background investigator. The background investigator is responsible for thoroughly investigating the final top candidate for a Sheriff's Office position. The background investigator will interview the applicant. The background investigator will obtain a personal history report and signed authorizations and waivers from the candidate in order to obtain information about the candidate. The interviews and research will be conducted so as to provide information to assist with the polygraph examination.

17.3.4 The undersheriff will coordinate with the polygraph examiner, and schedule an examination. The undersheriff will supervise the polygraph examination for the purpose of determining the accuracy of the information reported on the personal history form and the job application. The polygraph will confine questioning to the accuracy of previously reported information. The polygraph examiner will utilize the approved polygraph instruments. Upon completion of the polygraph examination, the applicant will be referred to the undersheriff. The polygraph examiner will forward a report to the background investigator for inclusion in his or her final report and a copy to the undersheriff for inclusion in the applicant's pre-employment file.

17.3.5 The assigned background investigator will conduct a background investigation that is to include, but is not limited to:

- A. The candidates application
- B. Criminal history check and police contacts
- C. National and State fingerprints check
- D. Polaroid photograph(s)
- E. Copy of Social Security Card
- F. C. C. D. R.
- G. Birth certificate or certified copy showing citizenship
- H. High School, college diploma, or transcripts showing at least the successful acquisition of the minimum number of credits required.

17.3.6 The background investigator will contact references, previous employers, other associates, and creditors to determine the overall fitness for service. The investigator will determine work history, strengths and weaknesses, attendance, and any other information which would assist in the evaluation of the applicant with regard to the performance of the duties of an employee of the Sheriff's Office.

17.3.7 For deputy or corrections officer candidates, the background investigator should include a personal visit to the applicant's place of residence, and interview neighbors and family employees. This

visit may be waived by the undersheriff upon written request of the investigator. The reason for the waiver shall be noted in the final report.

17.3.8 If, in the opinion of the investigator, the candidate does not qualify, the investigation can be terminated at any time at the direction of the undersheriff and the report filed.

17.3.9 If the candidate is not disqualified at this point, the undersheriff will schedule a psychological examination to be administered by the Sheriff's Office designated psychologist for deputy and corrections officer candidates only. The undersheriff will schedule a physical medical examination with the Sheriff's Office designated physician for deputy and corrections officer candidates only. Any physical examinations required for other positions will be scheduled through the Personnel Division of the County.

17.3.10 The background investigator will complete a report on the candidate by compiling all the information discovered in the investigation as well as all reports from the polygrapher, physician, and psychologist. A summary from the investigator describing the candidate and a recommendation as to whether or not the candidate is qualified will be submitted to the undersheriff. The undersheriff shall forward the report with a recommendation to the sheriff.

17.3.11 The sheriff or his designee shall review the report and make a decision as to the acceptability of the candidate. The sheriff or designee shall notify the candidate of his or her acceptance or rejection. The sheriff or his or her designee shall notify the County Personnel Division by memorandum of any rejection of an applicant with the cause noted. The Civil Service Commission, through Whatcom County Human Resources, shall be notified in writing of the acceptance or rejection. If accepted, a starting date for employment shall be established.

17.3.12 The background report and materials will be retained in the office of the administrative assistant.

## **17.4 Affirmative Action**

17.4.1 The Whatcom County Sheriff's Office supports and adheres to the Affirmative Action Plan found in the Whatcom County Human Resources policies.

17.4.2 It is the intent to hire and retain qualified minorities within the Sheriff's Office. To this end, recruiting is specifically aimed at targeting minority groups within the state for potential employment with the Sheriff's Office.



## **Chapter 18: Training**

### **18.1 Training**

18.1.1 The Sheriff's Office's training programs shall be to provide employees with the training and knowledge necessary to fulfill their responsibilities in furthering the accomplishment of the organizational mission. The Sheriff's Office shall also have an interest in the professional development of its employees in a manner consistent with the complementary needs of the individual and the organization. Further, the Sheriff's Office has a primary interest in maintaining the proficiency and fitness for duty of all employees.

### **18.2 Training Based On Level Of Risk And Need**

18.2.1 While it is desirable to provide all Sheriff's Office employees with extensive training in all areas related to their job responsibilities, training funds, time, and resources are limited. The Sheriff's Office shall make every reasonable effort to provide levels of training that are adequate to provide Sheriff's Office personnel with the knowledge, skills, and understanding necessary to perform the duties required of them. Such training may necessarily be based on an evaluation of risk and Sheriff's Office or individual need.

### **18.3 Basic Academy Training**

18.3.1 Each commissioned employee must receive a basic certificate issued by the Washington State Criminal Justice Training Commission prior to exercising authority as a law enforcement officer unless accompanied or directly supervised by another deputy or Field Training Officer.

18.3.2 The employee, having completed the state training, will be assigned to work with a Field Training Officer (FTO) or Corrections Training Officer by the chief criminal deputy or the chief of corrections for a minimum period until such time as the trainee has developed and demonstrated a satisfactory level of competence and proficiency.

### **18.4 Training For First Level Supervisors**

18.4.1 Every employee appointed or promoted to a first level supervisory position must successfully complete the basic 40 hour supervisory training approved by the Washington State Criminal Justice Training Commission within one year of promotion.

### **18.5 Training For Mid Management Positions**

18.5.1 Every employee appointed or promoted to a mid-management position must successfully complete the 40 hour mid management training approved by the Training Commission within one year of such appointment or promotion.

## **18.6 Annual Training**

18.6.1 The Sheriff's Office shall provide a minimum of thirty hours of training each year to each employee having the responsibility for the enforcement of criminal laws. This training will be in addition to any training routinely provided at roll call briefings.

## **18.7 Specialized Training**

18.7.1 The Sheriff's Office shall provide or facilitate specialized training to individual or classes of employees. Such training shall be provided at the discretion of the administration and shall be consistent with operational needs of the organization and within the available training budget.

18.7.2 Supervisory Recommendations - Supervisory personnel shall be responsible for recommending specialized or necessary training for Sheriff's Office employees.

18.7.3 Supervisory training recommendations for subordinate Sheriff's Office employees should be routed to the undersheriff via the normal chain of command.

18.7.4 Supervisors noting training deficiencies in subordinates or other employees that compromise safety or reduce an employee's effectiveness or efficiency in the performance of assigned or necessary duties shall report the same to the undersheriff via the chain of command.

## **18.8 Requests For Training**

18.8.1 Individual Sheriff's Office employees may request training that they believe will enhance their skills, competence, and on-the-job performance.

18.8.2 Employee requests for training should be routed to the undersheriff via the normal chain of command.

## **18.9 Duty Of Employees To Participate In Training**

18.9.1 While the Sheriff's Office bears the primary responsibility for assuring the availability of training, each employee of the Sheriff's Office shall bear individual responsibility for participating in training opportunities.

18.9.2 Knowledge of Training - Employees shall be responsible for keeping themselves informed with regard to their own needs and of training opportunities and schedules.

18.9.3 Reporting for Training - Sheriff's Office employees shall be responsible for responding to and attending training sessions on time, as they would for a regular work shift.

18.9.4 Duty to Maintain Proficiency - Each employee of the Sheriff's Office is individually responsible for maintaining an acceptable level of proficiency with respect to those knowledge and skill elements necessary for the effective and efficient performance of their assigned or necessary duties.

## **18.10 Duty To Maintain Physical And Mental Health And Fitness**

18.10.1 The physical and mental demands of the law enforcement profession are significant and warrant special attention. Such demands may change dramatically and rapidly within a few seconds, taxing the maximum of human endurance as law enforcement or correction's personnel are required to respond to serious threats to their safety and the safety of others. It is therefore required that all operational law enforcement and corrections employees maintain their ability to perform the essential functions of the job.

18.10.2 Individual Responsibility - Each employee of the Sheriff's Office shall be individually responsible for maintaining their physical and mental health and fitness for duty.

18.10.3 Duty to Report Deficiencies - Employees who are unable to adequately perform their duties with reasonable effectiveness or safety due to the lack of physical or mental fitness must report the same to their immediate supervisor as soon as possible so that the appropriate action may be initiated to restore their fitness for duty, or to remove them from duty.

18.10.4 Supervisors to Report - With respect to the standards set forth above, supervisors shall report employees that are either physically or mentally unfit for duty to the undersheriff via the chain of command as soon as is reasonably possible.

## **18.11 Failure To Comply With Requirements**

18.11.1 Employees who fail to comply with the training and proficiency requirements of this section may be subject to remedial training and/or disciplinary action.

## **18.12 Training Records To Be Maintained**

18.12.1 In addition to records maintained by the Washington State Criminal Justice Training Commission, Sheriff's Office training files will reflect completion of any training attended. These records are maintained in the office of the Administrative Assistant.

18.12.2 Employees who attend training shall ensure that graduation certificates or notifications of completion are forwarded to the administrative assistant through the chain of command. For those classes such as satellite training that do not provide certificates of training, the deputy attending must provide a copy of the class notification or other form of announcement that the class was completed and forward it through the chain of command.

## **Chapter 19: Probationary Period**

### **19.1 Probationary Period**

19.1.1 All probationary periods are determined by the Whatcom County Civil Service regulations.

### **19.2 Written Promotion Announcement**

19.2.1 The rules governing written announcements for promotional examinations are determined by the Whatcom County Civil Service regulations.

### **19.3 Promotion Administration**

19.3.1 The responsibility and authority for administering the promotional process for the Sheriff's Office is the responsibility of the undersheriff.

### **19.4 Promotion Procedures**

19.4.1 The procedures that are used for promotions to positions on the Sheriff's Office are governed by the Whatcom County Civil Service regulations. All procedures and testing for promotional opportunities shall be job-related and non-discriminatory.

## **Chapter 20: [Canceled]**

## **Chapter 21: Patrol Functions**

### **21.1 – 21.3 [Canceled]**

#### **21.4 Special-Purpose Vehicles**

21.4.1 It is the intention of the Sheriff's Office to utilize special purpose vehicles and equipment on an as-required basis. All vehicles other than automobiles and small vans will be considered special use vehicles. The Sheriff's Office's special use vehicles include, but are not limited to, motorcycles, prisoner transport buses, correction transport van, correction's pick-up truck, crime scene van, road use 4x4, East County 4x4, and Emergency Management 4x4.

21.4.2 Only those employees authorized to use special use vehicles may do so. Prior to authorizations by the unit staff employee, the employee must have the appropriate license endorsement if required and must have completed the required Sheriff's Office and State Criminal Justice Training program. All operations of special use vehicles are required to be in a manner consistent with applicable laws, policies, and training received.

#### **21.5 On Scene Supervisor**

21.5.1 Any employee in charge of a situation may request the presence of a supervisor. The supervisor will assess the situation and assume command as he or she deems necessary. The supervisor may further request the assistance and/or response of staff personnel.

21.5.2 A supervisor will respond and take command of all situations relating to or involving any civil unrest, injury to or by a Sheriff's Office employee, and damage to any Sheriff's Office or county equipment or vehicle.

21.5.3 The Duty Staff Officer (DSO) function is established to assure the availability, at all times, of a staff employee to the shift supervisor. It is the responsibility of the duty staff employee to grant certain authorizations, make certain notifications, obtain needed resources in unusual situations, and assume direct operational command should the situation so warrant. The availability of a duty staff employee will provide immediate administrative and policy level decision making capability for the shift supervisor.

21.5.4 Staff employees will be assigned the Duty Staff Officer function. The DSO will be assigned an unmarked Sheriff's Office vehicle and a pager, assuring his or her constant availability. While so assigned, he or she will remain in Whatcom County to ensure good communications and a reasonable response time. When on call as DSO, he or she will utilize the Sheriff's Office vehicle, even when engaged in activities of a personal nature. Upon receipt of a call via pager, radio, or telephone, the DSO will immediately respond as he or she deems appropriate.

21.5.5 The responsibilities of the DSO are to assist and act as administrative support for the line supervisors on all shifts. Callouts to the DSO include major crimes, injury to Sheriff's Office employees, and other duties as necessary.

21.5.6 The callout procedure for the DSO is located in the Operations Manual, #P-012.

## **21.6 – 21.10 [Canceled]**

### **21.11 Safety Restraining Devices**

21.11.1 All employees operating county vehicles where seat belts are installed will use the seat belts while the vehicle is in motion per County policy. All passengers, including prisoners, are also to be wearing vehicle occupant safety restraints unless:

- A. The prisoner is physically combative.
- B. The prisoner is a known, documented, assaultive officer safety risk.
- C. The employee can clearly articulate a specific safety reason, under the circumstances presently occurring, that the restraints cannot or should not be used.

### **21.12 Wearing Of Protective Vests/Body Armor**

21.12.1 All commissioned employees of the Patrol Division, while in uniform, shall wear a protective vest to alleviate hazards posed by firearms and other weapons. The use, care, and replacement of body armor procedures are addressed in the Operation's Manual, #AP-015.

21.12.2 Exception: Medical conditions may preclude an employee from wearing a vest. In this event, verification in writing from the physician should be on file in the Administration division. It is the employee's responsibility to notify the Sheriff's Office immediately in writing should such a condition exist. [REDACTED]

### **21.13 [Canceled]**

### **21.14 Notification Of Next Of Kin**

21.14.1 All notifications to next of kin with regard to death, injury, or serious occurrence will be made by a shift supervisor or his or her designee. The notification will be made in person whenever possible. In all cases, the person making the notification will attempt to arrange for some type of emotional support for the person receiving the notification.

### **21.15 [Canceled]**

### **21.16 sheriff's Station Deputy**

21.16.1 A station deputy shall be assigned to the complaint desk during business hours.

21.16.2 The Station Deputy should be utilized for non-emergency calls. Those who are responsible for call referral to the Station Deputy (Dispatch, Reception) must establish whether or not a deputy's presence is required or requested. If a deputy is required or requested, one will be sent.

21.16.3 The procedures governing the staffing and referral of calls to the station officer are addressed in the Operation's Manual, #P-022

## **21.17 – 21.20 [Canceled]**

### **21.21 Death Investigations**

21.21.1 It is the policy of the Sheriff's Office to respond to death investigation calls within the Sheriff's Office's jurisdiction. These calls will be classified in two categories: deaths from natural causes and deaths from other than natural causes.

21.21.2 In all cases where deputies are called to the scene of a death and paramedics are not present, they will be summoned to the scene unless there is decapitation, postmortem lividity, or rigor mortis of the body in question giving positive indication that death is obvious.

21.21.3 Once it is determined that a death has occurred and that it is a result of natural causes, deputies will determine the name, age, physician, and next of kin of the deceased. If a relative can be contacted they will decide where they want the body sent.

21.21.4 The Medical Examiner will be contacted, and authorization will be sought to remove the body. If no relatives can be contacted the Medical Examiner will determine where the body will be sent. See Operation's Manual #P-010 for Medical Examiner Notification procedure.

21.21.5 If the spouse or relatives of the deceased are not present, all valuables will be secured and/or impounded as per operational policies.

21.21.6 Once it is determined that a death has occurred, and that it is a result of causes other than natural; deputies will treat the incident as a homicide. The Sheriff's Office will investigate it as such until it can be determined that the cause is a result of accident or suicide.

- A. The crime scene will be protected
- B. The appropriate investigative personnel, Lieutenant of Operations, and the chief criminal deputy will be notified by the shift supervisor
- C. A determination will be made as to whether a crime has been committed or an accident or a suicide has occurred

## **21.22 [Canceled]**

### **21.23 Arrest and Booking**

21.23.1 When a crime is committed, deputies are to initiate a prompt and thorough investigation and to make every reasonable effort to identify and arrest the violator. In carrying out these responsibilities, employees will not infringe upon the constitutional rights of any person.

## **21.24 – 21.25 [Canceled]**

### **21.26 Advising Of Rights**

21.26.1 Deputies and correction officers are responsible for advising suspects of their constitutional rights in the proper manner. The language used to advise suspects will be that on the card issued to each employee for that purpose, or that language which is found on the Sheriff's Office's Rights Advisement form.

21.26.2 Deputies will document in the report the fact that rights and waiver were read, and what, if any, response the suspect made. See the Standards and Guidelines for Written Reports in the Operation's Manual, #P-031.

21.26.3 It may be necessary for the employee to testify in court as to the precise language used to warn the suspect of his or her rights and the precise language by which the suspect waived these rights.

### **21.27 Searches**

21.27.1 All persons arrested shall be searched at the scene of the arrest. These searches should be conducted by persons of the same sex as the person arrested when practicable. Nothing in this section is intended to preclude deputies and/or correction officers from conducting searches that are authorized and consistent with employee safety and current law.

21.27.2 Any strip search or body cavity search will be accomplished at the County Jail in accordance with their policies and procedures, or as directed and outlined by a search warrant. Correction's Officers will normally conduct any required strip searches.

21.27.3 It is the duty of the arresting deputy to determine to the best of his or her ability using operational procedures and/or training guidelines that the prisoner possesses no offensive weapons or anything else that could be used as a weapon. If for any reason, the prisoner cannot be thoroughly searched before being turned over to another employee, the arresting employee will without fail, make this fact known to the person receiving the prisoner.

21.27.4 See Operation's Manual #P-025 for specifics on pat searches in the field and prior to booking.

### **21.28 Processing Persons In Custody**

21.28.1 In the arrest, transportation, and detention of suspects, deputies and/or correction officers will take precautions to prevent escape, injury to themselves and others, or damage to property. When making an arrest, they will search suspects carefully and will immediately take possession of all weapons and evidence. All prisoners will be handcuffed at the time of arrest or anytime an employee has reason to believe that a prisoner will attempt escape or become a problem. Any time a prisoner is to be transported, the prisoner will be handcuffed.



21.28.2 A deputy and/or correction officer making an arrest will transport the arrested individual or cause him or her to be transported, to the jail to be booked as soon as possible.

21.28.3 An employee making an arrest is charged with the responsibility of determining whether the individual arrested is to be booked or released and to notify the booking officer of any concerns in this regard. It is up to the arresting officer to make all reasonable efforts to identify the person being booked.

21.28.4 Adults charged with general misdemeanor offenses (other than traffic infractions), who are residents of Whatcom County or nearby areas, and who are, in the opinion of the arresting deputy eligible for field release, may be issued a citation. Such persons may be released in the field without further processing. It is important that:

- A. A check for wants and warrants is made before considering field release.
- B. Prior to release the event number must be entered on the citation. The subject will be given a copy of the citation.

## **Chapter 22: Use of Force**

### **22.1 – 22.8 [Canceled]**

### **22.9 Discharge or Use of Firearms or Other Weapons**

22.9.1 All weapons including firearms, batons, chemical agents, and stun devices, shall be used only when necessary in the performance of duty, in training, or while acting in official capacity. The duty related discharge or use of any weapon other than in training requires a written report on the circumstances describing the use and cause for use. If the employee so requests through their immediate supervisor, they shall be afforded the opportunity to obtain counsel from his or her attorney and or guild representative prior to submitting the written report. All on duty employees shall be armed with a Sheriff's Office-approved firearm and the minimum required defensive or accessory equipment as specified in this manual or as otherwise indicated by official Sheriff's Office policy.

22.9.2 Post Critical Incident Debriefing Required: In all cases where a Sheriff's Office employee has employed a weapon at or upon another person, or was assaulted by another person, and serious injury resulted to either party, there will be a critical incident debriefing process that is not a part of the internal review or investigation process. This is for all involved employees of this agency and in addition, other agencies involved who wish to attend. Nothing discussed in the debriefing sessions or interviews will be reported to the Sheriff's Office. The debriefing and interview process is a support process only.

22.9.3 The Sheriff's Office may, in accordance with the bargaining unit contract, require the involved employee(s) to attend and undergo an interview with a Sheriff's Office-designated psychologist, at the Sheriff's Office's expense and during on duty time, prior to the involved employee(s) returning to duty after a critical incident.

### **22.10 Post Shooting**

22.10.1 Sheriff's Office employees involved in a shooting incident where serious injury or death results will be placed on paid administrative leave or station duties. Sheriff's Office employees involved in a shooting incident where no injury or minor injuries have occurred may be placed on paid administrative leave or station duties as deemed appropriate by the sheriff. The assignment to station duties or leave is not to be construed as punishment or as a prejudicial action against the Sheriff's Office employee. The employee involved will normally be issued a Sheriff's Office owned firearm for use during the period of investigation into the shooting incident, unless a directive is issued by the sheriff that no firearm be issued in a particular case or the employee's firearm was not impounded as a result of the shooting review or investigation.

22.10.2 All employees directly involved in any intentional or unintentional discharge of a firearm, at a time and under circumstances that are duty related (with the exception of intentional rounds fired during training) shall notify their supervisor or the supervising Sheriff's Office employee on scene as soon as is practicable and will make an appropriate report regarding the incident. If the employee so

requests through their immediate supervisor, they shall be afforded the opportunity to obtain counsel from his or her attorney and or guild representative to the extent required by law prior to submitting the written report. In cases where no injury results, the report will be submitted before the employee goes off duty.

22.10.3 In all cases where a Sheriff's Office employee has fired a weapon at another person or persons or was fired upon by another person, the employee will undergo a mandatory post critical incident interview within 24 hours or as soon as practical in extreme situations. There will also be a critical incident debriefing process that is also not a part of the internal review or investigation process that is for all involved employees of this agency and employees of other agencies involved who wish to attend. Nothing discussed in the debriefing sessions or interviews will be reported to the Sheriff's Office. The debriefing and interview process is a support process for the involved employees. The mandatory interview is to assist in determining if the employee(s) is/are fit to return to duty.

22.10.4 All shooting incidents shall be subject to an official review procedure, and shall be reviewed according to written procedures as stated in Chapter 28 of this manual or in any other applicable written Sheriff's Office policy. The review process shall determine if actions taken were within Sheriff's Office policy and procedures, and the review board will submit an official recommendation or finding to the sheriff or his or her designee. The findings of such a review shall be made available for review by the firearms training staff.

## **22.11 Response to an Investigation of Firearms Discharge**

22.11.1 When a shooting incident occurs, the involved employee will notify dispatch as soon as is practicable, and will also advise if medical personnel or other assistance is needed at the scene.

22.11.2 Dispatch shall send a supervisor to the scene if one is not already present and call out other personnel as requested.

22.11.3 The on duty shift supervisor shall in all shooting incidents:

- A. If not present, respond immediately to the scene
- B. Determine the nature of the incident, i.e. injury or death involved, to civilians or to Sheriff's Office employee
- C. Determine if sufficient personnel are on scene to perform necessary functions as indicated in this policy and/or as related to major crime situations. Mutual aid should be requested if necessary
- D. Notify the DSO
- E. Notify the undersheriff (may be done by DSO at DSO's request)
- F. Ensure that Sheriff's Office procedures are initially being followed to protect the scene and any evidence if necessary

- G. Unintentional discharges where no injury results, will be handled by the supervisor by means of a memorandum forwarded to the staff

22.11.4 Once the supervisor determines that the scene is secure and that any subsequent required assistance is being given to any injured personnel or civilians, the supervisor shall interview the involved employee(s). The involved employee(s), unless seriously injured, shall give a brief verbal report to the supervisor prior to the supervisor or the employee leaving the scene. The supervisor shall submit a memo, after reviewing subsequent written reports, which summarizes his or her findings to the undersheriff via the chain of command.

22.11.5 The undersheriff will be notified and will decide on all subsequent notifications or call-outs that may include but not be limited to:

- A. Medical Examiner
- B. Prosecutor
- C. Chief Criminal Deputy
- D. Operation's Lieutenant
- E. Services Lieutenant
- F. Detective Sergeant
- G. Employee of Firearms Training Staff
- H. Fire Department Chaplain / Support Personnel / CISD Team

22.11.6 Duty of involved employee(s) on scene when a shooting incident occurs and/or there is a death or injury involved:

- A. The involved employee(s) shall, as soon as practicable, determine the physical condition of any injured person and render first aid when appropriate, request medical aid, and notify dispatch of the incident location.
- B. The scene shall then be immediately secured and evidence shall be protected through standard crime scene procedures, including establishment of a perimeter and the obtaining of witness information.
- C. The involved employee(s) will remain at the scene (unless seriously injured) until the arrival of the appropriate investigators, or unless directed by the ranking supervisor at the scene to do otherwise.
- D. The involved employee(s) will protect his or her weapon for examination and submit it to the appropriate investigator. Upon relinquishing a weapon, and at the discretion of the shift supervisor, the employee will be given a replacement.

- E. The involved employee(s) will provide the on scene supervisor with a verbal briefing of the incident. The purpose of this briefing is to provide information which may assist in securing the scene, protecting evidence, identifying or locating suspects, and ensuring the safety of the public. The employee will later prepare either a written or taped report of the incident. Prior to making this verbal, written, or taped report the employee shall, if they so request through their immediate supervisor, be afforded the opportunity to consult with his or her attorney and/or Guild representative and to have his or her attorney and/or Guild representative present while making the report. This report may be prepared with the assistance of the Sheriff's Office's legal counsel if they are available.
- F. In beginning the report, the employee involved should always state for the record the following:  
"This report is prepared by me pursuant to Sheriff's Office Regulations and through its submission I do not intend to waive any of my Constitutional rights with regards to any possible criminal or civil liability."

## **22.12 Firearms Proficiency**

22.12.1 All sworn personnel must receive training in the use of firearms, qualify with authorized duty firearms, and demonstrate an understanding of this policy prior to being authorized to carry any firearm in the employment of the Whatcom County Sheriff's Office. Probationary employees must successfully complete a course of firearm's instruction at the Whatcom County Sheriff's Office and at the Washington State Criminal Justice Training Commission prior to being authorized to carry a firearm as an employee of the Sheriff's Office.

22.12.2 Each employee must attend the firing range with his or her service weapon a minimum of once every three months. Sheriff's Office employees must also attend the firing range a minimum of once a year to demonstrate competency with the shotgun and any other assigned firearms.

22.12.3 The required qualification course and format will be left to the discretion of the range staff with the approval of the sheriff. Employees must demonstrate and then maintain a qualifying score average of 75% or better before they are authorized to carry their primary, back up, or off duty weapon(s). A complete firearms training program description is to be maintained on file with the Sheriff's Office in an instructor's manual and will be updated regularly by the firearms training staff.

22.12.4 A range schedule will be posted annually announcing the days and hours the range will be open. Employees will attend and shoot on duty time if the work load permits and with permission of their supervisor. Qualification cards will be issued on an annual basis. The card is to be signed off by an employee of the range staff each quarter that the employee qualifies. It is the responsibility of shift and unit supervisors to see that personnel under their direction attend the range and have a current qualification card. A shift supervisor will not fire on the range until a suitable relief is arranged for and is in control of the shift.

22.12.5 Employees who fail to meet the qualification requirements will be notified in writing by the range staff. A memo documenting such notification will be sent through the chain of command to the chief criminal deputy. Arrangements will be made by the firearms training staff for the employee to then attend remedial training. During this interim period, the employee will normally be allowed to continue in normal duty status if there is a documented history of satisfactory performance within the last year. If a written recommendation for suspension of permission to carry a firearm from the firearms training staff is forwarded to and approved by the undersheriff through the chain of command, the employee shall not be armed on duty until further training evaluation is performed. Within that interim period, the employee must report to the range officer as directed for such remedial training and evaluation and successfully qualify.

22.12.6 Employees who fail to achieve certification after attending remedial firearms training will be subject to appropriate progressive disciplinary action up to and including termination for failure to comply with Sheriff's Office policy. Employees may have their authorization to carry firearms suspended during such reassignment. Employees of auxiliary units will not be reassigned, but rather will have their authority to carry firearms suspended in such cases. Employees will be given a final qualification attempt date and may elect to obtain additional coaching or instruction on their own time and at their own expense prior to this date. Failure to demonstrate competency or to maintain a qualifying average after this final attempt date will be grounds for disciplinary action.

22.12.7 A second or back up weapon is authorized, but only upon meeting specific Sheriff's Office approval. Employees who carry a backup weapon in addition to their service weapon are required to qualify a minimum of once every year with the backup weapon. A backup weapon may not be carried until the employee is authorized to do so by the Range Staff.

## **22.13 Firearms Deployment**

22.13.1 All on duty general authority commissioned personnel will at all times be armed with their authorized, fully loaded, duty handgun unless booking a prisoner or conducting an in-custody interview and for safety reasons, the firearm is secured in another area.

### **22.13.2 Carrying Firearms**

A. All Sheriff's Office employees armed on duty will always carry:

1. One additional loaded magazine or reloading device in a belt, shoulder, or fanny pack carrier.
2. One set of handcuffs in a belt, shoulder, or fanny pack carrier.
3. Sheriff's Office identification and badge that can be displayed readily to other armed police personnel.
4. Uniformed employees will carry the above equipment in accordance with the requirements stated in chapter 46 of this manual.

- B. All Sheriff's Office employees carrying a firearm under official power of the badge and commission (off-duty) will always carry:
1. One set of handcuffs, or Sheriff's Office approved flexible restraints.
  2. Sheriff's Office identification and badge that can be displayed readily to other armed police personnel.
  3. One reload (magazine, speed strip, or speed loader).

22.13.3 All armed Sheriff's Office employees who are working in plainclothes will wear the duty handgun in a secure holster with at least a thumb release retention snap. A jacket or other clothing will cover the duty handgun so as not to be readily observed when in public areas, including public areas of the Sheriff's Office such as the lobby. It is preferred that duty firearms be covered for safety reasons when dealing with unknown civilians in areas such as the station desk. Clothing or carry method should not greatly interfere with drawing or reloading the duty handgun.

#### 22.13.4 On Duty, Off-Duty and Backup Weapons Defined

- A. Sheriff's Office approved firearms intended for official use by any employee are defined as follows:
1. Official Duty Handgun - The official duty handgun, also known as "duty gun", is the primary required sidearm for uniformed and plainclothes commissioned employees. The official duty handgun will meet the specifications listed in chapter 46 of this manual. The official duty handgun is that sidearm normally carried while on duty. This firearm will be on record as the duty handgun for qualification and training purposes with the firearm's training staff.
  2. Official Backup Handgun - The official backup handgun, also known as "backup gun", is a secondary emergency use weapon normally carried concealed by uniformed and plainclothes commissioned personnel at their discretion. The official backup handgun will meet the specifications listed in chapter 46 of this manual. These firearms will be on record as the backup handgun for qualification requirements and training purposes with the firearm's training staff.
  3. Official Off-Duty Handgun - The official off-duty handgun, also known as off-duty weapon, is a primary or secondary handgun so designated and carried by a commissioned employee at their discretion. This handgun is carried by virtue of his or her commissioned status and employment with the Whatcom County Sheriff's Office, at the employees choosing, during those times when an employee is considered to be "off duty". The official off-duty handgun will meet the handgun specifications listed in chapter 46 of this manual. This firearm will be on record as the off-duty handgun for qualification requirements and training purposes with the firearm's training staff. The official off-duty handgun may be the same weapon as the primary duty or backup handgun if the employee so chooses.
- B. Sheriff's Office approved firearms as noted above must also meet the following requirements:

1. The firearm must meet specifications and requirements as listed in the Uniforms and Equipment section (chapter 46) of this manual.
2. The firearm must be inspected, fired by or under the direction of, and certified safe, by a range officer.
3. The employee must demonstrate his or her safe and proficient use of the weapon during regular firearms qualification sessions.

#### 22.13.5 Carrying of Off-Duty Weapons

- A. The carrying of an off duty weapon, spare magazine or reload, and handcuffs, is encouraged but not mandated. An employee who elects not to carry a weapon while off duty shall not be subjected to disciplinary action if an occasion should arise in which the employee could have taken law enforcement action if armed.
- B. Employees electing to carry an official off-duty handgun are required to qualify with that weapon at the range once each year, and have said qualifications recorded with all pertinent information.

22.13.6 Any employee that chooses to carry a weapon as an official off-duty or official back up must use .380 ACP, .38 special, .357 magnum, 9mm, .45 ACP, or 40 S&W caliber. The Sheriff's Office will furnish ammunition for all approved caliber weapons.

22.13.7 All weapons in the following categories used by employees while on duty or in official capacity will be registered with the Sheriff's Office:

- A. Official off-duty
- B. Official back up
- C. Official duty handgun
- D. Patrol rifles as specified in Chapter 46 of this manual
- E. Duty or issue shotgun

22.13.8 Modification of or to official "duty" firearms shall be limited to replacement or changing of the grips and modifications to the sights as approved by the firearms training staff. Otherwise only factory original configurations, including equivalent replacement and repair parts and magazines, of the respective authorized service weapons are allowed.

22.13.9 Modifications to personally owned firearms used on duty or as official off-duty weapons shall not defeat any of the manufacturer's safety features. Modifications shall not affect the safety or reliability of the firearm operation.

22.13.10 The range staff shall perform an annual inspection of all Sheriff's Office issued and personally owned duty firearms.



22.13.11 The range officer will complete all necessary repairs to Sheriff's Office owned/issued firearms.

22.13.12 All necessary repairs to personally owned firearms authorized for, and used on duty will be performed by the range officer or a trained gunsmith. Replacement parts for personally owned firearms authorized for and used on duty or official off-duty, will be the responsibility of the individual employee unless routinely supplied by the Sheriff's Office.

22.13.13 Each employee is responsible for the care and cleaning of his or her on duty, backup, or official off-duty weapons and will at all times maintain the weapons in a clean and serviceable manner whether Sheriff's Office owned or personally owned.

22.13.14 Employees shall immediately report the loss or theft of any Sheriff's Office firearm or personally owned official duty, backup, or official off-duty firearm to the undersheriff through the chain of command. The report will be in writing and will detail all the facts concerning the incident.

22.13.15 When not on their persons or under their immediate control, employees shall keep Sheriff's Office owned weapons in a locked gun locker, in a locked changing room locker, locked desk, or in another secure place. While on duty or while at the Sheriff's Office, employees shall keep all weapons under their immediate control, or in a locked gun locker, in a locked changing room locker, locked desk, or in another secure place.

22.13.16 All Sheriff's Office employees authorized to carry and/or handle firearms should, at all times follow reasonable care and safety precautions in the use, handling, and storage of firearms. This is to ensure their safety as well as the safety of their families and community employees. The Sheriff's Office will provide information and instruction to all armed employees in order to assist them in this regard. Such information and safety training will also be available to any Sheriff's Office employee who requests it through the firearms training staff. This section is not intended to create a greater standard of conduct or duty for Sheriff's Office employees at their private residences or during off duty status.

22.13.17 Patrol vehicle shotguns are to be kept within the reach of the driver. They are to be secured in a locked gun rack. Inspections should be conducted regularly by the deputy to ensure that:

- A. The safety is on and chamber is empty.
- B. The action bar release is protruding from the trigger guard - indicating that the weapon is cocked and the action is locked closed.
- C. The magazine is loaded as recommended (see 22.13.20 and 22.13.21).
- D. No obvious defects exist, and the weapon is clean.

22.13.18 Nothing in this policy prohibits the employee from conducting a more complete inspection. Plainclothes and staff employees who carry firearms in the trunk of their assigned vehicles will check

these firearms at least monthly to assure that they remain serviceable and free of rust. Sheriff's Office issued long guns should be carried in a Sheriff's Office supplied case.

22.13.19 Shotguns shall be secured in their racks during normal patrol. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] When not on routine patrol the shotgun rack shall be locked.

22.13.20 Shotguns and rifles will be routinely carried with the chamber empty, action closed and safety on. The safety will be released only when the weapon is about to be fired, or if necessary to cycle the action of that particular firearm. Rifles may be transported with a loaded magazine as long as the action is closed on an empty chamber. In both cases, the chamber is to be loaded as the weapon is deployed and under the immediate control of the employee.

22.13.21 The standard configuration for the patrol shotgun shall be the Remington Model 870 with 20" barrel, rifle sights, extended magazine, sling and shell carrier. The total capacity of this shotgun is 8 rounds when the magazine is fully loaded and one round is chambered. [REDACTED]

[REDACTED] The shell carrier should have both slug and shot ammunition to allow the immediate loading and firing of slugs when necessary.

22.13.22 The patrol rifle specifications are found in chapter 46 of this manual. Patrol rifles are to be routinely carried in a secure gun lock or locked in the trunk of the employee's vehicle. Sheriff's Office employees may deploy the rifle during any call or before responding to any call that necessitates or could be reasonably expected to necessitate the use of a rifle. Rifles will not be routinely carried or left unsecured in the passenger area of Sheriff's Office cars.

## **22.14 Destruction Of Animals**

22.14.1 Sick, injured, or dangerous animals may be destroyed after all attempts to notify an agency or owner capable of disposing of the animal (Animal Control, State Game Dept.) have been made and the agency or owner has not or cannot respond in a reasonable time.

22.14.2 Animals must be destroyed in a safe manner and whenever possible, out of the public view.

22.14.3 Whenever possible Sheriff's Office employees should obtain written permission from the owner before destroying livestock.

22.14.4 Sheriff's Office employees should be thoroughly familiar with the procedure for shooting animals described in Operations Manual #P-062.

## **22.15 - 22.16 [Canceled]**

### **22.17 Batons/Impact Devices**

22.17.1 Employees will employ nightsticks/batons in a manner consistent with Sheriff's Office training and directives. Hitting suspects in the head or groin area should be avoided unless the employee must protect himself/herself or others from serious injury. Only Sheriff's Office approved and/or issued equipment will be carried or utilized.

## **22.18 [Canceled]**

### **22.19 Chemical Agent - OC Spray**

22.19.1 Employees will use chemical agents in a manner consistent with Sheriff's Office training and directives. Chemical agents may be used to protect an employee or other person(s) when the amount of resistance cannot be overcome by use of lesser force. Refer to the Operations Manual for specifics on deployment and use of OC.

22.19.2 All Sheriff's Office employees that are required to carry a chemical agent will be issued Oleoresin Capsicum (OC) and will be trained in the use of the product.

22.19.3 Training will be under the direction and supervision of the range and/or designated training officers. The program will be approved by the sheriff or his or her designee.

22.19.4 The agent will only be used when an employee of the Sheriff's Office believes it is necessary to defend himself/herself or another or to take a person into custody and all lesser means of force appear to be ineffective or not applicable.

22.19.5 Employees will comply with instructions contained in the Operation's Manual that pertain to the use of OC, the control of persons exposed to OC, and the follow-up procedures after its application. See Operation's Manual #P-061.

22.19.6 The agency will issue approved solutions to be carried by authorized personnel from the Sheriff's Office.

22.19.7 Any use of OC requires the use and the reason(s) for the use to be documented in a complaint report, as is any use of force.

22.19.8 Any employee that anticipates the use of OC should ask for a backup unit to be sent to their location. This is to insure adequate assistance is enroute in the event an employee inadvertently becomes affected by the agent.

22.19.9 All incidents involving the use of non-lethal weapons will be outlined in detail in the employee's case report. The employee's immediate supervisor will review the incident and report. All reports indicating use of a non-lethal weapon will be directed to the undersheriff through the chain of command.

for final review. The undersheriff is responsible for any necessary recommendations to the sheriff should any use of a non-lethal weapon appear to be improper.

## **22.20 Electronic Control Devices**

22.20.1 The X26 Taser® is approved for use by qualified and trained Sheriff's Office personnel as specified in this policy. As with all Electronic Control Devices, Tasers are not 100% effective in stopping all suspects under all circumstances. It should not be considered as a substitute for firearms or other techniques that may be justified in deadly force situations.

22.20.2 Only those employees who have successfully completed the prescribed training and orientation are authorized to carry and/or use a Taser. Each employee authorized to carry a Taser device will qualify with his or her issued device annually. The Taser is authorized for duty-related use only.

22.20.3 The Taser will be carried on the duty belt in an enclosed Sheriff's Office approved holster with a minimum retention level of 1 (RR 46.16.16.1.H). The Taser must be carried on the support side of the body, opposite the primary duty handgun. No exceptions to the support side requirement shall be authorized for any individual or special unit.

22.20.4 Tasers should only be used when reasonably necessary, against persons who are actively resisting, exhibiting active aggression, and/or to prevent individuals from harming themselves or others.

22.20.5 When a Taser is used, the employee(s) using the device will submit an Incident Report specifying the circumstances under which the weapon was used and a separate Taser Use Report. In situations of multiple deployment of the Taser, each employee will complete a separate Taser Use Report; which will be reviewed by the shift supervisor on whose shift the use occurred and routed to their Division Lieutenant. All employees in the immediate vicinity (approximately 35 feet) during the application of a Taser to a subject shall submit their Taser for data download. All employees with an issued Taser who are in the immediate vicinity of an application shall complete a Taser Use Report indicating their Taser was not discharged and/or the manner in which it may have been used or displayed. The Firearms Training Unit shall be responsible for publishing and providing training on Taser inspection, download, turn-in and replacement procedures.

22.20.6 Corrections Deputies: Upon the use of the Taser upon a person, inmate or suspect, the Taser shall be secured until it can be submitted to the Firearms Training Unit for data download. The Taser shall be submitted to the Firearms Training Unit in conjunction with the Taser Use Report that has been reviewed by a supervisor and Division Lieutenant.

22.20.7 Every instance of Taser deployment, including accidental discharges, shall be documented in a Taser use report and the Taser unit submitted for a data download.

22.20.8 The original Taser Use Report will be forwarded to the Sheriff's Office Firearms Training Unit. Upon receipt of the Taser Use Report, the Sheriff's Office firearms training staff will download deployment data from the involved Taser. The data printout will be filed with the Taser Use Report.

22.20.9 A display of the Taser “arc” is permitted to gain compliance in an arrest situation where resistance is anticipated. Taser use is authorized against aggressive animals.

22.20.10 The actual application of the Taser to a subject will normally require that an arrest be made. However, there may be circumstances where a citation or summons may be issued or a case report referral to the Prosecutor’s Office would be the preferential course of action. In such cases, supervisory approval is required.

22.20.11 The Taser should only be used in accordance with training guidelines and should not be aimed at the head and neck area of the suspect if possible.

22.20.12 A Taser generally should **not be used**:

- When the presence of flammable gases or liquids is known or suspected.
- In a suspected clandestine lab or where explosive gases and/or vapors may be present.
- Against a subject already in custody, unless physical resistance has to be overcome.
- Against obviously pregnant women, elderly/frail individuals and young children unless exigent circumstances exist.
- In a location that would result in the suspect falling off or into an area that is likely to cause substantial injury or death (i.e., elevated platform or deep water).
- Against a subject in physical control of a vehicle, motorcycle, ATV or bicycle that is in motion unless exigency exists.

22.20.13 Post-Taser application actions:

- Employees shall monitor the suspect after Taser application and request medical assistance if the suspect displays an unusual reaction, including symptoms related to excited delirium and/or drug-induced conditions. Symptoms include, but are not limited to: excessive body temperature, shortness of breath, unusual strength and reduced mental rationalization capabilities.
- When reasonably possible, persons that have been incapacitated by the use of the Taser should be examined by medical personnel.
- If the probes have penetrated the skin, deputies will remove the probes following training techniques and guidelines.
- Upon removal of the probes from the skin, the affected area shall be photographed. Photographs shall be stored per Sheriff’s Office policy.
- If the probes penetrated a sensitive/soft tissue area such as the face, neck, head, female/male genitalia, or female breast area, the subject will be transported to the hospital for probe removal.

- In the event of injury beyond standard probe penetration, a sufficient quantity of Air Cartridge AFIDs will be collected and booked into evidence.
- In the event of a serious injury, the probes and cartridge will be logged into evidence, and labeled as a potential biohazard per Sheriff's Office evidence procedures.
- If the suspect is not injured seriously, the probes and cartridge should be handled as a biohazard and disposed of in accordance with Sheriff's Office policy.
- Document any medical treatment requested, provided, or offered in the associated Sheriff's Office case report.

#### 22.20.14 Maintenance of the Taser

- Employees are responsible for obtaining replacement Taser cartridges and digital power magazines (DPM) when needed. The Firearms Training Unit will maintain control of the replacement cartridges and DPMs. DPMs shall be replaced when the power level falls below 20%.
- General service/repair of the ECDs shall be conducted by the Firearms Training Unit.
- Each employee issued a Taser shall conduct test arcs as recommended by the Firearms Training Unit.
- Employees will submit a memorandum via the chain of command to their Division Commander in cases where a Taser is lost or damaged and rendered inoperable. Normal wear and tear issues or malfunctions shall be handled as per general service and repair procedures.

22.20.15 A Taser Use Report will also be generated in the event of damaged or lost air cartridge. The damage or loss report should include cartridge serial number when available and/or circumstances of loss. Damaged cartridges shall be returned to the Firearms Training Unit.

## **Chapter 23: [Canceled]**

## **Chapter 24: Investigative Operations**

### **24.1 Detective Division**

24.1.1 This section covers the governing policy regarding the operation of the Sheriff's Office's Detective Division and to establish the authority, responsibility, and chain of command for conducting and continuing the investigation of serious and major crimes against persons and property.

24.1.2 The general responsibility of the Detective Division is to conduct thorough criminal investigations into significant cases warranting extensive and detailed investigation to conclusion and through criminal prosecution if indicated. The areas of responsibility of investigative personnel are in the general following categories, which are not all inclusive:

- A. Crimes Against Persons
  - 1. Homicide
  - 2. Serious Assault
  - 3. Rape/Sex Offenses
  - 4. Robbery
  - 5. Kidnapping
  - 6. Extortion
  - 7. Custodial Interference
  - 8. Malicious Harassment/Harassment/Stalking
- B. Crimes Against Property
  - 1. Burglary
  - 2. Fraud
  - 3. Theft/Forgery/Checks
  - 4. Arson
  - 5. Embezzlement
- C. Vice and Organized Crime
  - 1. Gambling
  - 2. Prostitution
  - 3. Racketeering
  - 4. Fraud

### **24.2 Chain of Command**

24.2.1 Each investigation's unit shall have a designated supervisor. The detective unit shall have a detective sergeant as the designated supervisor. All investigative personnel will report directly to the unit supervisor. This position can be staffed by a detective or other investigative personnel designated to act as a unit supervisor, in the case of the unit supervisor's absence.



24.2.2 The principle of the chain of command will always be followed.

### **24.3 Unit Supervisor**

24.3.1 The unit supervisor shall be responsible for the daily operations and direct supervision of investigative personnel. Investigative personnel will keep the unit supervisor advised on the progress of assigned cases.

24.3.2 Investigations undertaken by the Detective Division will be specifically approved by the detective unit supervisor or an appropriate superior officer.

24.3.3 Supervisory functions of the Detective Division will be as follows:

- A. Division Supervision - The unit shall be supervised by the Lieutenant of Operations. The Detective Sergeant will regularly report the status of investigations to the Lieutenant of Operations, or in his or her absence, the chief criminal deputy.
- B. Supervision of Detectives - All investigative personnel will be subordinate to the Detective Sergeant.
- C. Acting Supervisor - In the absence of the Detective Sergeant, an acting supervisor may be designated by the sergeant, the Operation's Lieutenant, or chief criminal deputy.
- D. Investigative Supervision - The Detective Supervisor shall be responsible for the daily operations and direct supervision of investigative personnel. Investigative personnel will keep the unit supervisor advised on the progress of assigned cases. The unit supervisor shall be directly responsible for the following, which is not an all-inclusive list:
  - 1. Case assignment and review
  - 2. Report review and routing, including prosecutor contacts
  - 3. Press releases and media contacts
  - 4. Training requests and approvals regarding unit personnel
  - 5. Unit statistics
  - 6. Special operations involving unit personnel
  - 7. Time off requests and approvals from unit personnel
  - 8. Overtime assignment and weekly activity report review
  - 9. Crime Analysis and monthly analysis reports per Chapter 9.2.1
  - 10. Special Staff briefings per Chapter 9.2.2

### **24.4 Duties of Investigative Personnel**

24.4.1 Detectives shall involve themselves in the duties and responsibilities of the investigative function as listed in this section.

- A. Investigations - Detectives will investigate allegations of criminal conduct
- B. Arrests - Detectives will make arrests of criminal suspects where such actions are warranted

- C. Warrants - Detectives will secure and serve search warrants in the furtherance of criminal investigations
- D. Crime Scenes - Detectives will process crime scenes
- E. Assistance - Detectives shall provide such assistance as may be necessary to victims of crime
- F. Investigative Assistance - Detectives shall provide investigative assistance to the patrol division and to other requesting agencies
- G. Follow-up Investigations - Detectives will conduct follow up investigation of cases initiated by patrol personnel as assigned
- H. Enforcement Action - Detectives will take enforcement action in those instances where a crime or crimes are occurring in their presence
- I. Special Requirements - Detectives are also subject to callout or callback to duty for major crimes, unusual occurrences, special events, or in times of emergency
- J. Standards - Investigations will be conducted in a manner consistent with procedures for the conduct of all criminal investigations, keeping in mind the necessity of strict maintenance of confidentiality

## **24.5 Reports and Documentation**

24.5.1 Detectives shall prepare written case reports following applicable standards and requirements set out by the Sheriff's Office, and will adhere to any other additional requirements set forth by unit policy.

- A. Submission of Reports - Reports shall be submitted directly to the unit supervisor for review
- B. Special Reporting Requirements - In addition to standard case reports, investigators shall prepare case summaries and keep case logs as directed by the unit supervisor.

## **24.6 Confidentiality of Information**

24.6.1 Investigation's personnel shall at all times treat information designated as, or generally accepted as, sensitive with the utmost concern and regard for confidentiality and shall act accordingly to ensure protection of privacy of those individuals concerned.

## **24.7 [Canceled]**

## **24.8 Confidential Files**

24.8.1 The Detective Division will maintain a confidential file on each confidential informant. Such files shall include:

- A. Biographical and background information
- B. Criminal history

- C. Payments made to informants
- D. Information received from informant
- E. Informants involvement with the Sheriff's Office
- F. Code name or numerical identifiers
- G. File security classification

## **24.9 Utilization of Informants**

24.9.1 The Sheriff's Office, through its Detective Division, may opt to utilize informants to assist in the development of criminal cases. The use of informants shall be herein governed to protect the Sheriff's Office and the informants.

- A. Confidentiality - Sheriff's Office employees will not divulge the identity of persons giving confidential information to the Sheriff's Office except as authorized by proper authority
- B. Compensation - Informants must often be compensated for their services
  - 1. Supervisory approval is required before any investigative funds may be released to anyone, including an informant
  - 2. Any expenditure of funds requires the appropriate information be entered in the designated ledger book, and informants must be registered with the investigation's unit prior to the disbursement of any funds

## **24.10 Street Fund**

24.10.1 An investigative "street fund" shall be maintained in the Detective Division for the purpose of providing monies for special investigative expenses.

- A. Purpose of the Fund - The purpose of this fund is for payment of informants and miscellaneous expenses incurred during an operation or investigation. The street fund will not be used for regular administrative expenditures that are covered by a purchase procedure.
- B. Supervisory Oversight - Funds allocated to the Detective Division's street fund are supervised by the detective sergeant
  - 1. The investigation's supervisor shall maintain the street fund and ledger
  - 2. Two signatures are required for the withdrawal and deposit of cash in this fund
  - 3. The fund shall not exceed \$2,500 and shall be kept in a secure location
  - 4. Receipts are required to be placed in the ledger for expense items other than informant payments
  - 5. The fund shall be checked on a regular basis by the administration for accuracy and completeness of ledger entries.

## **24.11 Release Of Investigative Files And Records**

24.11.1 Investigators may often receive outside requests for information either on file in the records division, in the computerized files of the Sheriff's Office, or from WA State ACCESS or other computer terminal.

- A. Requests - Requests for information of this type should be referred to the records division so that the information is only released as allowed or required by law
- B. Confidentiality - Confidentiality shall be maintained by investigators regarding sensitive information or information that is protected by privacy laws
- C. Release Guidelines - For release of information required by law such as in the case of written reports sent to other law enforcement or social service agencies, the release shall be in accordance to operational policies or guidelines currently in place

## **24.12 Selection of Investigative Personnel**

24.12.1 In general, the selection and retention of detective personnel is controlled by the guidelines set forth in the Special Assignment section of the Operation's Manual #AP-021.

## **Chapter 25: Juvenile Operations**

### **25.1 Juvenile Operations Function**

25.1.1 Sheriff's Office employees are directed to receive and investigate any complaint or alleged criminal law violation involving juveniles in the same manner as any adult criminal case. At the conclusion of the criminal investigation, the juvenile case shall be reviewed by a supervisor and submitted to the proper juvenile justice court authority or its subdivision.

25.1.2 Non-criminal juvenile matters will be investigated and dealt with in the same dedicated manner as criminal investigations. An offense report will be completed using current state law and the policies of juvenile authorities to settle the incident. Those reports will be submitted to and reviewed by the shift supervisor.

25.1.3 It is the policy of the Sheriff's Office to use various social service agencies in dealing with juveniles when it is appropriate.

### **25.2 – 25.3 [Canceled]**

### **25.4 Citations or Summons**

25.4.1 When dealing with a juvenile offender, Sheriff's Office employees must determine the seriousness of the offense and consider the welfare of the juvenile. This will assist in determining whether to make a custodial arrest or issue a citation/summons. Juveniles who are a danger to themselves or others, or who are likely to re-offend should be placed in custody. Those not placed in custody shall be released to a parent, guardian, or other responsible adult.

25.4.2 Juveniles having reached their sixteenth birthday may be issued a citation or summons using the Washington State Uniform Court Docket report for traffic infractions and criminal traffic matters, except for felonies and game violations.

25.4.3 Juveniles not having reached their eighteenth birthday will not be issued a citation or summons for misdemeanor criminal offenses. An offense report will be submitted articulating the offense committed. After review by a supervisor, the report will be forwarded to the juvenile prosecutor and juvenile court system for action. The same process can be used to request a summons or warrant.

### **25.5 [Canceled]**

### **25.6 Juveniles in Custody**

25.6.1 When a juvenile is arrested and/or taken into custody, Washington State Court Rules require the advisement of rights whether there is questioning or not. The juvenile should be advised of their constitutional rights immediately, using the same rights card or form as an adult. Additionally, the juvenile rights warning will be included in the advisement.

25.6.2 It is advisable to obtain permission from a parent prior to interviewing the juvenile in an investigation. If a parent or guardian is not available, the juvenile may be questioned without the parent's/guardian's permission.

25.6.3 Sheriff's Office employees will notify parents or guardians of juveniles in custody whenever possible, and will always make a notification attempt. During the notification, Sheriff's Office employees will offer an explanation as to the impending procedures and processes of the juvenile(s) in custody. Notification and notification attempts must be documented in the case report.

25.6.4 [Canceled]

25.6.5 In the event a juvenile is injured or has a medical problem while in the Sheriff's Office's care, treatment will take precedent over the investigation.

25.6.6 If a juvenile is to be incarcerated or placed out of the home, the action will take place as soon as is practical.

25.6.7 Deputies will explain to juveniles taken into custody the reasons for the action and the procedure for handling the case in the juvenile system.

25.6.8 Juveniles taken into custody shall be transported as soon as is practicable.

25.6.9 Juveniles taken into custody and transported to Sheriff's Office facilities for interviewing, processing or for the purpose of custody transfer shall be detained in compliance with Federal and State requirements regarding secure and non-secure custody of Juveniles.

25.6.10 The Sheriff's Office will maintain and issue current training material as provided by the State of Washington Department of Social and Health Services. This training material, annual data logs and survey reports on securely detained juveniles will be kept on file at the Sheriff's Office administrative headquarters.

25.6.11 Requirements under Washington State law and the Federal Juvenile Justice and Delinquency Prevention Act (PL 98-473) shall be posted outside all secure interview rooms where juveniles may be placed, secured or interviewed. In no case will a juvenile be secured in such location for more than 6 hours. Deputies placing juveniles in secure interview rooms will fill out the log provided at each location.

## **25.7 [Canceled]**

## **25.8 Fingerprints and Photographs**

25.8.1 All juveniles arrested for felony offenses may be taken to the appropriate detention facility for processing. This processing will include fingerprints and photographs.

25.8.2 All other arrests including felonies and gross misdemeanors shall require the issuance of a notice to appear for processing.

25.8.3 The law does not prohibit fingerprinting and photographing juveniles who have committed misdemeanors and may be done by following the above guidelines.

25.8.4 If a juvenile is taken into custody and placed into detention for any offense, photographs and fingerprints will be taken.

25.8.5 Within seventy-two hours from the time of the arrest, the Sheriff's Office shall furnish the State I.D. Section with a set of fingerprints. A set will be furnished to the F. B .I. Identification Section, and the Sheriff's Office's Records/ID Section will retain and file a set of fingerprints and photographs. The records shall remain in the possession of the Sheriff's Office's Records/ID Section and are not returnable to the subject arrested.

25.8.6 All juvenile fingerprints and photographs are retained in the Records/ID Section under the State's General Records Retention Schedule and Destruction Authorization (RCW 40.14.070 and WAC 414 24 050), unless the court issues an order to seal or destroy such records under RCW 13.50.050.

## **25.9 Records**

25.9.1 The Records/ID Section is responsible for the collection, retention, dissemination, and destruction of the records of juveniles processed by the Sheriff's Office pursuant to RCW. 13.50.

25.9.2 Juvenile arrest records shall be maintained in a separate location from adult arrest records. Identification records on juveniles are maintained in the Records/ID Section in a separate location from adult identification records.

25.9.3 Whenever a court-ordered expungement, sealing, or destruction of a juvenile record is received, the Records/ID Supervisor will examine the record in question. The entire record of the portion referred to in the order will be sealed or destroyed as required by the court order.

25.9.4 All juvenile records are to be purged from the juvenile files when the juvenile reaches the age of eighteen. The purged files are identified as "purged" and are stored in archives per the State Records Retention Schedule. Regarding the Records Retention Schedule, purged juvenile records are destroyed when the juvenile named in the record turns twenty three years of age.

25.9.5 Access to juvenile records is restricted to a need to know basis only. Information will only be released to criminal justice agencies that are authorized under state law to receive juvenile arrest information. Information pertaining to the name, address, date of birth, telephone number, and the parent's name is released to victims who are eligible to receive such information for the purposes of restitution. Parents are permitted access to their own child's record upon demand to verify that record.

25.9.6 The Records/ID Supervisor is accountable for the collection, dissemination, and retention of juvenile records.

## **25.10 Position Accountable For Records**

25.10.1 The Records/ID Supervisor is responsible to ensure that practices and policies are established and followed pursuant to RCW 13.50.



## **Chapter 26: Unusual Occurrences**

### **26.1 Unusual Occurrences Plan**

26.1.1 Philosophy - The Whatcom County Sheriff's Office must be prepared to meet and resolve any situation regardless of its source or magnitude.

26.1.2 Objective - Recognizing that not all situations can be handled through the application of normal law enforcement procedures, this portion of the manual is designed to establish the authority and procedures necessary to modify the organizational structure and chain of command of the Sheriff's Office for the duration of emergency operations.

### **26.2 Responsibilities**

26.2.1 It is the responsibility of the sheriff, chief criminal deputy and the Director of Emergency Management to establish the planning for the Sheriff's Office's response to unusual occurrences including criminal acts and natural and man-made disasters.

26.2.2 All Sheriff's Office employees are held accountable to respond to law enforcement emergencies as outlined in this policy manual.

26.2.3 Employees may, at any time, be called upon to respond to major emergency situations. These may involve criminal acts such as bombings, hostage situations, or snipers; or they may involve response to natural or man-made disasters. To ensure that the Sheriff's Office responds as promptly and efficiently as possible with the greatest benefit to public safety, procedures have been formulated for response to such occurrences. Employees will familiarize themselves with these procedures and respond to situations in accordance with them.

26.2.4 This plan is a guide to all employees handling unusually serious law enforcement incidents requiring multiple police responses within an established incident command structure.

26.2.5 Exception: Nothing contained herein shall restrict an employee from deviating from this guide when a particular situation requires it. However, justification for such deviation may be required at the conclusion of the incident.

### **26.3 Implementation**

26.3.1 This plan may be implemented, either in part or in its entirety, in accordance with the requirements of the following classifications of law enforcement incidents:

- A. Major Crime Scenes - Hostage situations, barricaded persons, robberies, major terrorist acts, etc.
- B. Civil Disturbances - Demonstrations, strikes, etc.
- C. Natural Disasters - Flood, storm, earthquake, volcanic eruption, etc.

- D. Local Emergencies - Plane crashes, fires, power failures, etc.
- E. National Emergencies - Enemy action, nuclear attack, terrorist attacks, etc.
- F. Large Public Gatherings - Parades, fireworks displays, sports events, etc.

## **26.4 Special Incidents - Criminal and Civil Disturbances**

26.4.1 It shall be the policy of the Sheriff's Office to respond in an appropriate manner to any act of violence, disruption, or immediate public hazard within Whatcom County as soon and as effectively as is reasonably possible. Such response will be made for the ultimate purpose of the protection of life and property, keeping the peace, and safeguarding the constitutional rights of all involved parties. The resolution of such incidents should serve to preserve the peace and public safety in a positive and non-confrontational manner as is possible.

26.4.2 Deputies responding to reports of actual or reported acts of violence, harassment, or intimidation should make every effort to assure the immediate safety of those who may be the victim or object of such actions, acts, or threats.

26.4.3 Deputies should attempt to gain as much information regarding the circumstances surrounding an incident as possible. Special attention should be given to information, facts, statements, or evidence that suggests the incident under investigation is related to or motivated by:

- A. Subversive groups
- B. Foreign government involvement
- C. An attempt to create a diversion for criminal purposes
- D. An intent to interfere with the workings of government

26.4.4 It shall be the policy of the Sheriff's Office to permit the fullest measure of free public expression by all individuals and groups within the boundaries and jurisdiction of Whatcom County. The Sheriff's Office and its employees will only initiate enforcement action in response to conduct, actions, or activities that are inconsistent with applicable rules, regulations, and statutes. In the event that enforcement action is indicated or becomes necessary, such action will be initiated in a manner most likely to produce positive and cooperative response without aggravating the situation.

26.4.5 The Sheriff's Office may provide for the presence of appropriate personnel for the purpose of coordinating or assisting with the use of County facilities, preserving the public peace, and deterring acts of violence or other inappropriate or unlawful conduct.

26.4.6 Personnel assigned to special events should be alert and aware of the tenor of the event, any attendant crowd, and individuals in order that the peace and public safety may be preserved. If circumstances surrounding the incident or the event indicate a present or developing potential for violence, large scale disruption, or unlawful or illegal conduct, the concerned Deputy shall advise the

dispatch center as soon as is reasonably possible in order that assistance and supervisory personnel may be dispatched to the scene.

26.4.7 In responding or observing public events, Sheriff's Office employees should:

- A. Pay particular attention to the attitude of the crowd, and comments or conduct of individuals or speakers that might indicate an orientation toward unlawful conduct or violence.
- B. Maintain a positive, but neutral posture and demeanor while attending or observing such events. It is important to not respond to speeches, comments, or rhetoric with negative comments, acts, or mannerisms as they might easily be interpreted as hostility toward or disapproval of the speakers, the focus of the event, or the presentations being made.
- C. Respond to all persons and groups in the same positive and neutral manner as indicated above. Volatile issues, philosophies, and individual viewpoints can quickly result in a strong adversarial polarization along ideological lines resulting in explosive confrontations. It is of vital importance that the deputies at the scene remain positive and neutral guardians of both public peace and of individual civil liberties.
- D. Where possible, allow and encourage non-police personnel responsible for facility or event management, such as ushers, to make the first contact with potential troublemakers.

26.4.8 Law Enforcement Objective - The objectives of the Sheriff's Office in handling these types of incidents are:

- A. To adhere to a strict policy of neutrality.
- B. To adhere to a strict unity of command, thus reducing the possibility for incident escalation and/or loss of law enforcement control through nonessential actions.
- C. To take immediate steps at the onset of any escalation of hostility to quickly defuse the situation.
- D. To initiate enforcement actions only as a last resort when all else fails.

26.4.9 Law Enforcement Response - These types of incidents normally require additional law enforcement response due to the complexity of the situation.

26.4.10 Anticipated Event Reporting - The timely accumulation and forwarding of information concerning planned demonstrations and/or labor disputes increases the Sheriff's Office's ability to pre-plan its responses.

26.4.11 In that the Operation's Division has the primary responsibility for handling such incidents, information concerning any anticipated event shall be forwarded and processed in the following manner:

- A. All employees have a responsibility to relay any information concerning anticipated events to the shift supervisor of any shift.
- B. Shift supervisors receiving such information shall utilize the Detective Bureau to attempt to ascertain the veracity of facts and/or solicit investigative assistance in qualifying the information. All information, whether confirmed or not, shall be forwarded to the Lieutenant of Operations. This information should be accompanied by an account of those activities already performed or planned by the shift supervisor.
- C. The Lieutenant of Operations shall notify the chief criminal deputy and review all information in determining the appropriate level of Sheriff's Office response.
- D. DSO notification shall be as prescribed in Operation's Manual #P-046.
- E. The chief criminal deputy shall select the individual who will be delegated the authority and responsibility for the pre-planning and operational control of the anticipated event. In some cases, pre-planning will be accomplished in conjunction with the Deputy Director of the Division of Emergency Management and/or others.
- F. The event shall be managed in the same manner as detailed in Section 26.7 of this manual.
- G. Any steps taken involving mass arrests at the scene shall use the steps as prescribed in Section 26.14.

## **26.5 Natural And Man Made Disasters**

26.5.1 The response of the Sheriff's Office to natural and man-made disasters will be governed by Section 26.7 of this manual and the Whatcom County Comprehensive Emergency Management Plan.

## **26.6 Annual Review**

26.6.1 This manual and the plans contained within this manual will be reviewed by the sheriff or his or her designee annually. This may include coordination with the Division of Emergency Management. Any deficiencies will be corrected or changes made at that time. Nothing in this paragraph shall preclude changes being implemented at any time they are required.

## **26.7 Emergency Mobilization Plan**

26.7.1 The agency responsible for the response shall designate an Incident Commander to oversee the operation. In the case of law enforcement mobilizations in the Whatcom County Sheriff's Office jurisdiction, the sheriff shall designate an Incident Commander from the Staff level. A Field Commander will also be designated by the Incident Commander and a location for a field command post will be selected and manned.

26.7.2 Reports and Communications - Effective command and coordination are dependent upon prompt, accurate, and complete information. During an emergency operation, all employees shall have a primary responsibility to communicate all pertinent intelligence upward to the next higher level of authority. Normal communications will be accomplished using telephone, fax, radio, and any other

means necessary and available. Care should be taken when using radio and cell phone communications to ensure that sensitive information is not broadcast in the clear.

26.7.3 Situation Reports - A periodic progress report shall include the following information:

- A. Current developments of the incident
- B. Control measures implemented
- C. Prognosis of the overall situation
- D. Manpower and equipment needs, etc.
- E. Casualty reports and information - Specific casualty information shall remain confidential until approved for release to the media after efforts have been made to contact next of kin where possible. General casualty information may be released whenever necessary by the Press Information Officer (PIO) in conjunction with the command staff

26.7.4 The information shall be included on a Sheriff's Office memorandum or via briefing and shall be forwarded and/or communicated to the Emergency Operation's Center or Field Command Post, whichever is appropriate at designated intervals.

26.7.5 Units responsible for situation reports are the Field Command Post(s) or any unit which has peculiar needs that cannot be reported through the Field Command Post.

26.7.6 Alert stages will be determined by the Whatcom County Division of Emergency Management Suggested Operating Guidelines which are called phases and are used to determine the activation of the command center

26.7.7 Primary and alternate assembly areas will be determined by the Incident Commander.

26.7.8 Equipment distribution will be in accordance with the guidelines set forth by the Incident Commander.

26.7.9 The Incident Commander shall:

- A. Establish a Sheriff's Office Command Center and coordinate with the Field Command Post
- B. Evaluate and update and plan for Sheriff's Office needs
- C. Establish a Sheriff's Office staging area to coordinate personnel, equipment, and required transportation needs for the incident
- D. Order the use of special equipment
- E. Coordinate communications with assisting outside agencies
- F. Organize a critique at the completion of the emergency operation

26.7.10 Key personnel designations will be determined on a case by case basis unless otherwise defined by the Whatcom County Comprehensive Emergency Management Plan.

26.7.11 If needed, transportation assignments may be coordinated through the Emergency Operation's Center.

26.7.12 In incidents within the scope of the jurisdiction of the Sheriff's Office, the sheriff or his or her representative shall have the ultimate responsibility for command and control under emergency operations. As the Sheriff's Office Commander and the Director of Emergency Management, he or she is responsible for:

- A. The issuance of appropriate instructions for the purpose of ensuring coordinated and effective deployment of personnel and equipment for control of the incident and for providing effective law enforcement services to the remainder of the County
- B. The monitoring of law enforcement activities; the coordination of effort between the Incident Commander and the Field Commander; and the coordination of the entire organization with outside agencies and mutual aid concerns
- C. The informing of other authorities such as the County Executive and/or mayors of affected cities, Governor, President, etc. of law enforcement activities upon request or when appropriate
- D. The constant evaluation of incoming information in order to keep apprised of the scope and direction of the incident
- E. Requesting any necessary assistance from other county departments, city police departments, and/or other City, State, or Federal organizations
- F. The coordination of law enforcement operations consistent with the Whatcom County Comprehensive Emergency Management Plan
- G. The review of requests and authorization for use of special equipment, whenever possible

26.7.13 Press Releases on Emergency Operations Incidents - At the request of the Incident Commander, a Public Information Officer will be assigned to the Sheriff's Office Command Center. This person will act as the liaison between the Incident Commander and the working press. No emergency operations related information shall be released and/or made available to the media without the authorization of the Incident Commander through the PIO.

26.7.14 Emergency mobilization plan rehearsals will be coordinated by the Whatcom County Division of Emergency Management and approved by the sheriff.

26.7.15 The appropriate number of employees shall be assigned to maintain exterior and interior security of the Field Command Post where appropriate. This will include traffic control around the incident itself, which shall be a part of the operational plan developed for the incident.

26.7.16 For military callout of mutual aid, see 26.10.6

26.7.17 Determinations made as to when to demobilize the operation and transition back to normal operations will be made by the sheriff and/or the chief law enforcement official whose jurisdiction the incident is occurring, and the Incident Commander. The Incident Commander shall also approve and monitor any required post occurrence measures until they can be turned over to the agency whose jurisdiction the incident is occurring.

26.7.18 When it comes to the attention of field personnel that rumors and misinformation of a type that might cause further incidents are being widely circulated, staff Sheriff's Office employees should attempt to contact representatives from both sides in order to recruit their help in dispelling such rumors. The PIO will normally be expected to take care of matters involving rumors.

26.7.19 All reports on the incident will be forwarded to the Incident Commander for approval. A final report will then be collated and issued by the Incident Commander and his or her staff.

26.7.20 It should be noted that in some cases, the Sheriff's Office and its resources may be a part of a larger mobilization. In such cases, the agency representative will be appointed as a liaison to the Incident Commander.

## **26.8 Equipment Inspection**

26.8.1 Any equipment maintained by the Sheriff's Office that is designated for emergency operations will be inspected by the Division of Emergency Management on a monthly schedule to ensure operational readiness.

## **26.9 Emergency Operations Manual**

26.9.1 The portion of the Policy and Procedures Manual relating to unusual occurrences and the Whatcom County Comprehensive Emergency Management Plan will be reviewed annually by the Command Staff of the Sheriff's Office.

## **26.10 Mutual Aid Agreements**

26.10.1 The use of outside agencies will be consistent with Whatcom County, Washington State, federal laws, and negotiated mutual aid agreements.

26.10.2 City Police Departments - Upon initiation of an emergency situation requiring mutual aid, the sheriff or his or her representative will request that the ranking employee in charge of the agency meet with the Incident Commander in order to determine the mission of their personnel. See Chapter 2 of this manual for law enforcement related mutual aid authority.

26.10.3 The Incident Commander will ensure that a Police Department agency representative is assigned to assist the Sheriff's Office with its mission.

26.10.4 Washington State Patrol - Upon initiation of a response requiring assistance from the Washington State Patrol, the sheriff or his or her representative will request that the Washington State

Patrol ranking officer confer with the Incident Commander in order to determine the mission of Washington State Patrol personnel.

26.10.5 The Incident Commander will ensure that a Whatcom County Sheriff's Office advisor is assigned to liaise with the Washington State Patrol so that they may efficiently carry out their assigned mission.

26.10.6 Washington State National Guard - The County Executive or the Executive Pro Tempore shall be the sole authorization for and shall forward all requests for assistance and/or aid from the government of the County to the Governor of the State of Washington. Such requests will normally be preceded by a proclamation of emergency and be forwarded to the County Executive, or in his or her absence the Executive Pro Tempore, through the Division of Emergency Management to the State Military Department Emergency Management Division who contacts then Governor.

26.10.7 When State National Guard Troops are assigned to an area within the County for the purpose of assisting in preserving law and order and/or the protection of life and property, they will be under the command of and directly responsible to their military commanders. Local civilian authority will normally advise the military commanders as to the specific needs of the County, recommending areas in which the military can most appropriately be used to restore order in support of the civil authorities.

26.10.8 Intervention by Federal Troops - In cases of intervention by Federal Troops, the military commander will cooperate to the fullest extent with the Governor or other local and state authorities and forces unless such cooperation interferes with the accomplishment of his or her federal mission. Military personnel assigned to a problem area may recognize the authority of the Sheriff's Office Field Commander and assist in mutually restoring the area to normalcy or, if circumstances warrant, sole command of the area may be assumed by the Military Commander. Sheriff's Office employees will cooperate with the military forces assigned to support and defend the Federal, State, and County laws.

26.10.9 Press Releases: See 26.7.13.

## **26.11 Correctional Facilities**

26.11.1 Any response by the Sheriff's Office to Jail or Detention facilities operated by others in Whatcom County will be governed by any Mutual Aid Agreement in effect at the time. The primary responsibility for planning and implementation rests with the sheriff.

## **26.12 Situation Maps**

26.12.1 In addition to the situation maps developed and maintained by the Whatcom County Division of Emergency Management, the Sheriff's Office will have situation maps available in the crime scene van.



## 26.13 Command and Control

26.13.1 Field Command, Emergency Operations - A field command will normally be established whenever an incident requires the response of multiple law enforcement units within an established incident command for the on scene coordination of law enforcement activities.

26.13.2 Primary Responsibility - The Operation's Division shall retain the primary responsibility for the command and control of resources during law enforcement emergency operations.

26.13.3 Chain of Command - The operational structure of the Sheriff's Office may be modified during emergency operations. When necessary, a Field Command Post and/or a Sheriff's Office Command Center may be activated and staffed.

26.13.4 Whenever a law enforcement incident requires the establishment of a Field Command, the Sheriff's Office chain of command for line control of the incident will be as follows:

- A. sheriff (Director of Emergency Management)
- B. undersheriff (Director of Operations)
- C. Chief Criminal Deputy
- D. Lieutenant of Operations
- E. Shift Supervisor
- F. Supervisor assigned to the scene of the incident
- G. Deputy assigned to the scene of the incident

26.13.5 Assuming Field Command - In an on scene situation or during the initial stage of an emergency incident investigation, the first deputy to arrive (senior deputy if more than one deputy arrives simultaneously) shall assume and retain field command until relieved by a supervisor or command level employee (Lieutenant or above). Whoever establishes command or if command changes, it shall be announced on the radio.

26.13.6 Field Command Exception - The modification of the Sheriff's Office's organizational structure for line control during an emergency situation does not supersede the Sheriff's Office's established chain of command. This means that any command level staff employee (Lieutenant or above) in the Sheriff's Office's normal chain of command may assume command and responsibility for the law enforcement function at any time. When this occurs, however, the Sheriff's Office's Field Commander must be specifically informed that he or she has been relieved of his or her command and the Communications and/or the Sheriff's Office Command Post notified of the new Field Commander.

26.13.7 Presence of a command level staff employee at the scene of a law enforcement incident - The appearance or mere presence of a command level staff employee at the scene of a police incident shall not indicate his or her assumption of command. However, should this command level employee issue

orders and/or direct the activities of any personnel, he or she then automatically assumes field command and must follow the procedure outlined under this policy. If this command level employee wishes to remain at the scene in an advisory capacity to the Field Commander, he or she must not issue orders or direct the activities of Sheriff's Office personnel.

#### 26.13.8 Field Commander Authority

- A. When the sheriff, undersheriff, or the chief criminal deputy has personally appointed a Field Commander, this deputy will normally be relieved of command only by the sheriff, undersheriff, or the chief criminal deputy.
- B. The Field Commander, regardless of rank, shall have complete authority and responsibility for conducting the field operations of the Sheriff's Office for the duration of the emergency or until relieved of command by only the sheriff, undersheriff, or chief criminal deputy.
- C. All personnel assisting in or assigned to the involved area shall be subject to the direct command and supervision of the Field Commander

#### 26.13.9 Relieving the Field Commander:

- A. When the Field Commander is physically or mentally unable to perform his or her duties, a deputy of equal or junior rank may relieve the Field Commander by identifying himself/herself and informing the Field Commander of their intentions
- B. Whenever feasible, the deputy who plans to relieve the Field Commander shall communicate his or her reasons and intentions to the sheriff, undersheriff, or chief criminal deputy prior to initiating such action
- C. Whenever a Field Commander is relieved as indicated above, the deputy who assumes Field Command must be prepared to substantially justify his or her actions

#### 26.13.10 Change of Overall Command - Major Crime Scenes

- A. After an emergency operation involving a major crime scene has been resolved and the Field Commander decides that the Operation's Division has fulfilled its primary responsibilities, the on-scene command of the incident shall pass to the Detective Section for further investigation of follow-up unless the chief criminal deputy determines that other actions are to be taken
- B. The Supervisor of the Detective Section or his or her designee shall then assume Field Command of the scene
- C. All personnel from other divisions will continue to assist as needed, obeying orders and directives given by the new Field Commander and remain on their assignments until properly relieved by that Field Commander

## **26.14 Mass Arrest Procedure**

26.14.1 To expedite the handling and processing of arrestees while safeguarding their constitutional rights, a field booking facility will be established.

### **26.14.2 Location Criteria**

- A. The facility should be located out of sight of the scene of the mass arrest
- B. The facility should be large enough to accommodate the anticipated number of prisoners, all processing procedures, and the storage of necessary supplies
- C. If transportation to the jail is not immediately available, shelter, warmth, food, water, toilet facilities, and security of the prisoners will be required and assistance may be utilized from the Division of Emergency Management

### **26.14.3 Staffing of Field Booking Facilities**

- A. Arresting Employee
  - 1. The arresting employee will deliver the secured arrestee along with any relevant evidence to the field booking facility, giving Miranda rights warning
  - 2. The employee shall search the arrested person and secure personal property and/or evidence in a secure envelope or bag
  - 3. The employee shall stand with the prisoner to have a picture taken. The arresting employee shall then write a brief paragraph that states the reason for the arrest. The employee shall, on citable offenses, sign a uniform citation
  - 4. The employee shall return to field assignment as soon as possible
  - 5. After completing all of the duties in connection with the incident, the employee shall return and complete a detailed offense report on each arrestee.
- B. Identification Employee
  - 1. The Identification employee shall use an instant camera to photograph the prisoner and arresting employee together with any evidence and property envelopes prominently displayed in the photograph. The case number shall be written on the envelopes in black pen large enough to be easily read.
  - 2. The Identification employee shall maintain the prisoner in custody until released to the transportation detail if the Identification employee is a commissioned officer. If the Identification employee is a record's employee, the arresting officer must remain with the arrestee until he or she can be turned over to another employee charged with guarding the arrestees or a correction's officer.
- C. Clerical Employee
  - 1. The Clerical employee shall assign a case number to each arresting employee and his or her arrestee, unless all prisoners are in custody in relation to the same case

2. The Clerical employee shall complete the criminal citation and affix it to the statement written by the arresting employee, collect personal property from the prisoner, and complete any other necessary paperwork
3. The Clerical employee shall maintain control of personal property and evidence envelopes along with offense reports and identification pictures
4. The Clerical employee shall keep the field commander advised of the number and type of arrested persons processed

D. Transportation Detail

1. The transporting employees shall communicate with the Whatcom County Jail about the mass arrest probability and coordinate with that facility for booking procedures
2. The transportation detail shall be responsible for procuring vehicles to transport the anticipated number of arrestees
3. The employee shall deliver cuffed or otherwise restrained prisoners to a designated detention facility or the County Jail along with the appropriate completed paperwork
4. If the arrested individuals are to be cited and released, the transportation detail will be responsible for transporting those individuals away from the incident site and will ensure that the proper arraignment date is noted on the individual's copy of the citation

E. Security at Field Booking Facility

1. The appropriate number of employees shall be assigned to maintain exterior and interior security of the field booking facility
2. The security detail shall provide assistance to arresting employees and those working in the field booking facility.

F. Medical Staff

1. Whatcom County Fire agency aid crews may be called to the booking facility to screen all arrested individuals for medical treatment if necessary. If the arrested individual requires hospitalization, he or she shall be transported to the hospital prior to being taken to a designated detention facility or booked into the Whatcom County Jail.
2. If an arrested individual requires prescribed medication while detained, and that individual is in possession of the medication at the booking facility, the aid crew's recommendation concerning the prescribed medication will be obtained prior to dispensing such medication

G. Defense Counsel Visitations

1. All prisoners will be advised of their constitutional rights by the arresting employee
2. During a mass arrest incident, the first opportunity for a detained person to consult legal counsel is after the booking process has been completed at the Whatcom County Jail

H. Liaison with County Prosecutor

1. When a mass arrest situation is anticipated, prior to its actual inception, an employee shall be selected as liaison with the County Prosecutor's office. The liaising employee shall solicit legal advice from the deputy prosecutor who will be available to give continual advice for the duration of the incident
  2. When the mass arrest situation is spontaneous, without opportunity for prior planning, the County Prosecutor shall be contacted for legal guidance as soon as possible
- I. Public Information Officer - A Public Information Officer, at the request of the Field Commander, will be assigned to the Command Center. The Officer will act as a liaison between the Field Commander and the Working Press
  - J. Mutual Aid - Any use of outside agencies will be consistent with the Local, State, Federal laws, and current mutual aid agreements. Authorization to request mutual aid assistance or to grant assistance shall come from the sheriff or his or her representative only
  - K. Juvenile Arrests - All juvenile arrests shall be handled per this Policy Manual in Chapter 25, Juvenile Operations

## **26.15 Planning**

26.15.1 The Division of Emergency Management will plan for the Sheriff's Office's response to those unusual occurrences not outlined in this chapter. Planning and revisions may be guided by the Whatcom County Comprehensive Emergency Management Plan.

## **26.16 Union Strikes**

26.16.1. This procedure attempts to establish a course of action for personnel responding to union strike situations that protects the rights of the pickets, the employers, and the public as peacefully as possible. Generally, while monitoring the picket lines, arrests should be avoided whenever possible and efforts should be made to obtain voluntary compliance. It shall be the policy of the Sheriff's Office to act in as objective manner as possible in dealing with parties from either side of a given dispute or strike. If anything, our role should be to defuse potentially violent situations, protect life and property, minimize any inconvenience to the general public caused by such disputes, and to act wherever possible as an honest broker or objective forum for communications so as to facilitate the resolution of the field problem.

26.16.2 Whenever it comes to the attention of the Sheriff's Office that a labor dispute is either imminent or in progress, an informational report shall be filed and a case number assigned. The informational report shall contain whenever possible as much information on both parties as can be obtained. An informational memo will be prepared by the shift supervisor setting forth a synopsis of the information in the report, the case number, and operations number. All follow up reports will use the case number or operation number to maintain a coherent paper trail. The DSO will be notified as soon as possible.

26.16.3 Whenever possible, the Sheriff's Office facilities will be offered to representatives of both sides as a neutral ground meeting place. Agendas will be provided to both parties in advance. The purpose of the meeting will be to establish mutual ground rules, explain enforcement parameters, and offer our services as arbiters in those situations where our intervention could effectively prevent or resolve problems which pose a potential threat to life, property, or peace of the community.

26.16.4 Field supervisors will give specific instructions to their deputies with regard to close patrols on the picket locations, vulnerable targets, potential trouble spots, etc. Patrol should be conducted in such a fashion as to not indicate favoritism for one side or the other. Field supervisors should be particularly sensitive in trying to maintain a balance between sufficient close patrols to indicate a law enforcement presence in the area, but not so focused or high profile as to constitute or be considered as intimidating or inflammatory.

26.16.5 While all incidents reported by either side should be investigated, both sides should be cautioned at the preliminary meeting that the Sheriff's Office will not tolerate false or exaggerated reports where it will be used by either side to threaten or harass the other side. It should also be pointed out that incidents resulting from provocation will be so noted and reported, and they will be taken into consideration by the Sheriff's Office and the Prosecutor's office when the reports are reviewed. We will request that all parties reporting incidents to the Sheriff's Office do so at the Sheriff's Office Headquarters to minimize potential friction. All reported incidents and complaints should be documented by signed statements and reports whenever possible.

26.16.6 When it comes to the attention of field personnel that rumors and misinformation of a type that might cause further incidents are being widely circulated, staff Sheriff's Office employees should attempt to contact representatives from both sides in order to recruit their help in dispelling such rumors.

26.16.7 Wherever possible, citations will be issued by mail and summonses or arrest warrants will be served away from the scene of potential confrontation. If this is not possible, attempts should be made through the representatives to have the individual turn himself/herself in.

26.16.8 If traffic is disrupted or blocked illegally, those responsible should be informed that the Sheriff's Office will take whatever action is necessary to clear the problem.

26.16.9 If it becomes necessary to disperse a crowd, a video camera or cameras will be set up to film the incident in its entirety. Deputies will be assigned to provide security for the individual(s) filming the incident. Other deputies will be placed in specific locations around the crowd when the order to disperse is given. This will allow them to testify at a later time that the order was heard. A sufficient time should be allowed for the crowd to disperse before any action is taken.

26.16.10 The Sheriff's Office requires that valid copies of any potential injunctions be furnished to the Sheriff's Office for their case file. Specific enforcement instructions and injunctions must come from the

court and be on file in the Sheriff's Office prior to being implemented unless immediate or direct threat to life or property is involved by virtue of the violation.

26.16.11 All major labor disputes where arrests are made will be reviewed to determine whether or not a post incident critique would be beneficial for training.

## **26.17 Response to Product Tampering**

26.17.1. It is the policy of the Sheriff's Office to respond to information about product tampering. We have the general duty of protecting the residents and citizens in our jurisdiction. We should see that medical or other assistance is rendered to victims, provide security for any crime scene, preserve evidence, and notify the appropriate government agencies, and businesses.

26.17.2 The Sheriff's Office may receive information from citizens, retailers, the media, other agencies, or from perpetrators that a product tampering has occurred. It is vital that the information is accurately recorded.

26.17.3 Threats or reports of product tampering are often received by emergency telephone operators or dispatchers. Any Sheriff's Office employee receiving a telephone product tampering report should document the information given with as many specifics about the caller as can be obtained.

26.17.4 Once a product has been determined to involve product tampering, it shall be handled as evidence and preserved for processing. The item should be placed in a document protector and a chain of custody record initiated.

26.17.5 Information received by law enforcement may vary from ambiguous to specific. A report of an illness may be an isolated incident or part of an emerging pattern that could develop into a serious health problem or tampering incident. Upon receipt of information regarding a consumer product, the report will immediately be brought to the attention of the shift supervisor who will in turn notify the Duty Staff Officer who will make the following determinations:

- A. Has a crime occurred in which tampering, threats, or false information is involved?
- B. Does anyone require medical assistance?
- C. Does a risk to the public require immediate law enforcement action?
- D. What response, if any, should be made to render assistance, control the product, secure a crime scene, or notify other agencies such as the Health Department?

26.17.6 It is the responsibility of the shift supervisor to notify the chief criminal deputy who will designate an employee to establish and maintain liaison between the Sheriff's Office and the responsible officials in other involved agencies. The liaison employee will participate as the Sheriff's Office's representative to any inter-agency crisis management team.

26.17.7 The U.S. Food and Drug Administration maintains a 24 hour emergency response team. The 24 hour emergency numbers can be used for assistance or advice.

FDA	
USDA	
District FDA	
Food Marketing Institute	
Grocery Manufacturers of America, Inc.	
National Food Processors Association	
Federal Bureau of Investigation	
Federal Bureau of Investigation Seattle	

26.17.8 The approach to the scene should be made with discretion to avoid undue alarms to the public and to avoid attracting spectators. Normal law enforcement procedures are in effect for investigation of product tampering.

26.17.9 Employees should verify the report and communicate by telephone to the designated supervisor to preserve confidentiality.

26.17.10 If necessary, employees should administer to the victim and secure the scene by establishing a perimeter. Block aisles with store equipment and cover the shelf with plastic if possible. Steps should be taken to isolate any evidence.

## **26.18 Bomb Incidents**

26.18.1 It is the policy of the Sheriff's Office to handle each incident as an actual bombing attempt until such time as sufficient evidence exists to the contrary.

26.18.2 When a bomb threat is received by dispatch, the shift supervisor will immediately be notified by telephone. The shift supervisor will determine the method for notifying Sheriff's Office patrol units.

26.18.3 No radio transmissions will be made in the vicinity of the suspected bomb area including from cell phones.

26.18.4 The shift supervisor will contact the person in charge of the premises and provide assistance by explaining the options available:

- A. Evacuation
- B. Search by key employees and/or police



C. Do nothing

26.18.5 The Whatcom County Sheriff's Office is in charge of the scene only where County facilities and/or County employees are involved. Decisions to evacuate a place of business shall be made by the person in charge of the premises. Decisions to evacuate schools shall be made by school administrators. The Sheriff's Office will have the discretion of ordering evacuation only when the premises are owned by the County, or we have specific knowledge that there is a bomb or explosive device in any structure.

26.18.6 Unless information has been received as to the specific location of an explosive device, the search should be conducted from the outside in. An inside search is suggested to begin from the lowest level working up.

26.18.7 The finding of a suspected explosive device leads to a need for further and immediate action.

26.18.8 Pursuant to the discovery of a suspected explosive device the following actions should be taken

- A. The shift supervisor shall assign the call to the area unit or as call load permits, the closest deputy
- B. The deputy shall respond to the call. Once the deputy determines the device exists and cannot be handled with current resources, he or she shall notify the shift supervisor who will in turn initiate a response from a qualified bomb technician
- C. No one will move or touch the suspected device
- D. Evacuation will begin immediately
- E. Whatcom County Fire agencies will be notified by telephone as well as Emergency Management
- F. Utilities should be shut off and the utility notified as soon as practicable
- G. Doors and windows should be opened
- H. Flammables will be removed or moved away, if possible
- I. A report shall be filed by the responding deputy as to the circumstances of the case and the disposition of the object
- J. Any explosion from a device where terrorism is suspected should be approached with extreme caution due to the potential for the release of radioactive or biological agents

## **26.19 Hazardous Material Incident**

26.19.1 Such incidents often involve a serious threat to life or property. Responder safety is considered the highest priority.

26.19.2 Upon receiving information that a hazardous materials incident has occurred, the shift supervisor will respond to coordinate with the fire department and other agencies. The prime responsibility is to establish a perimeter around the site large enough to eliminate the possibility of

exposure to citizens and Sheriff's Office personnel in accordance with the North American Emergency Response Guidebook. The Division of Emergency Management of the Sheriff's Office should be notified immediately.

#### 26.19.3 First responder guidelines for officers who are first on scene of a hazardous materials incident.

- A. Remain upwind, uphill, or upstream of the incident. From a safe distance, assess the situation. Use binoculars if available to view the scene. Attempt to determine if radiological materials or hazardous substances are present. Observe and note the following:
  - 1. Effects on people, animals, and the environment
  - 2. Container types, markings, placards and labels. If available, use the North American Emergency Response Guidebook for reference
  - 3. Signs of any released or discharged substances and any unusual or pungent odors
  - 4. Wind direction, strength, and prevailing weather
  - 5. Distance and direction of nearby dwellings
  - 6. Distance and direction of any nearby surface water
- B. The initial responder shall not enter an area where the responder may become a victim, even to rescue another
- C. Until help arrives, the initial responder should:
  - 1. Notify dispatch, supervisor, DEM, and WSP
  - 2. Cordon off the incident area and establish a safe zone. If chemical vapors, flammable, or explosive materials are involved, evacuate all persons from the immediate area and remain upwind of the incident area
  - 3. Enter the incident area only if properly trained and equipped with appropriate protective clothing and equipment
  - 4. Render first aid to victims
  - 5. Serve as an on-scene communication point
  - 6. Brief the response team leader or incident commander upon arrival

### 26.20 Clandestine Laboratories

26.20.1 It is the policy of the Sheriff's Office to set forth guidelines for deputies in situations where those employees are dealing with clandestine laboratories and/or hazardous materials associated with clandestine laboratories.

26.20.2 The Sheriff's Office employees will minimize their exposure to clandestine laboratories and/or hazardous materials at all times.

26.20.3 The site, location, and/or structure is considered a crime scene only until such time as all occupants and others are taken into custody or moved to a safe location.

26.20.4 Once the site, location, and/or structure has been cleared of people, we will consider it a hazardous material site.

26.20.5 No employee of the Sheriff's Office will knowingly enter a hazardous material site without prior approval from a shift supervisor or a staff employee.

26.20.6 No employee of the Sheriff's Office will touch, move, or cause any other person to touch or move any hazardous material, item, or substance discovered at a clandestine laboratory site, location, or structure.

26.20.7 The Division of Emergency Management of the Sheriff's Office will be notified immediately.

## **26.21 Unusual Occurrence Procedures**

26.21.1 With increasing frequency the Sheriff's Office is called upon to respond to the type of situation which has come to be known as an "Unusual Occurrence". While other procedures deal with unusual occurrences as they relate to man-made disasters, the following pertains specifically to situations involving snipers, barricaded suspects, hostage situations, and arrest situations where hazards are anticipated.

26.21.2 For SWAT team activation, please refer to Operation's Manual #P-046.

### **26.21.3 Division Rosters**

- A. Each division will prepare and maintain an up to date Mobilization Roster that lists the name, address, and telephone number(s) of each of its employees. All administrators, supervisors, and alternates shall retain a copy of their portion of the Division Roster at their home and office, ready for use. A master roster will be kept by the Sheriff's Office Administrative Assistant.
- B. The roster shall be organized around each Division's chain of command so that mobilization orders can be rapidly disseminated down that chain to all employees. To achieve this goal, each administrator/staff employee/supervisor shall designate an alternate to act in his or her place if they themselves are unavailable for call.
- C. Each division head shall distribute a current Mobilization Roster to the undersheriff in January and July of each year, or when changes in staff personnel occur.

### **26.21.4 Authorization**

- A. Whenever a law enforcement incident appears to necessitate a major callout, the shift supervisor shall immediately notify the sheriff, DSO, or his or her designee, and apprise him or her of the situation. If the sheriff or his or her designee decides that such mobilization is warranted, he or she will direct the shift supervisor to implement the mobilization procedure. Whenever possible, this will be done through the Operation's Division chain of command.

- B. The shift supervisor may assume command and initiate the mobilization procedure, if he or she cannot readily contact the sheriff, undersheriff, chief criminal deputy, or other staff employee and, if in his or her opinion, immediate mobilization is imperative.

26.21.5 Implementation - Upon receipt of mobilization authorization, the following procedures will be carried out:

- A. The affected shift supervisor shall notify the highest ranking staff employee or supervisor, or his or her alternate, in each affected division and shall coordinate the mobilization process. Radio and television broadcasts may be utilized, if necessary
- B. The head of each Division, or his or her designee, upon notification, will assume responsibility for seeing that the necessary personnel of that division are alerted
- C. Each subordinate supervisor will contact all employees assigned to them on the Mobilization Roster, and direct them to report for duty to a specified location
- D. Each employee notified through the mobilization process shall immediately report to the designated supervisor at the specified location, properly equipped and prepared to perform the assignment
- E. If an employee is unable to reach the specified location due to roadway damage, etc., he or she shall respond to the nearest available location and perform such duties as assigned by the supervisor at that location. When this occurs, the employee shall attempt to contact the supervisor who requested mobilization and advise him or her of the alternative action
- F. A record shall be made by each supervisor as to which employee(s) on their Mobilization Roster were contacted and given mobilization instructions. A copy of this record will be forwarded to their Division Heads and the undersheriff
- G. Supervisors shall maintain a roster of all employees who report to them for assignment in order to coordinate personnel deployment and subsequently, to account for the manpower utilized

26.21.6 Report Without Notification - In any incident approaching such magnitude that extensive law enforcement response is obvious (major earthquake, widespread civil disturbance, etc.) and telephone contact is not possible, it shall be the duty of each employee to report without notification to his or her unit of assignment.

26.21.7 Demobilization - At the completion of any such incident, the sheriff or his or her designee will determine the manpower requirements for Post Incident duty and issue the order releasing any surplus personnel.

- A. Employees released from duty shall check out with their field/incident supervisor before going off duty

- B. Employees who remain on extended duty shall be released by their field/incident supervisors at the completion of their assignments
- C. Field/incident supervisors and division heads shall keep a record of the names of employees assigned to them during the incident, including the times they reported and/or were released from duty. These records shall be delivered to and tabulated by the undersheriff after the incident is ended in order that the sheriff can adequately assess the manpower expenditure

## **Chapter 27: [Canceled]**

## **Chapter 28: Internal Affairs**

### **28.1 Internal Affairs Component**

28.1.1 Purpose and Objective: This policy is to improve the quality of law enforcement services. This is accomplished in three ways. First, through the provision of meaningful and effective complaint procedures, citizen confidence in the integrity of law enforcement actions increases, engendering community support and confidence in the Whatcom County Sheriff's Office. Improving the relationship between Sheriff's Office employees and the citizens they serve facilitates cooperation, an element vital to the Sheriff's Office's ability to achieve its goals. Second, disciplinary procedures permit Sheriff's Office supervisors and staff to monitor employee's compliance with Sheriff's Office procedures and performance standards. Adherence to Sheriff's Office procedures assists employees in meeting Sheriff's Office objectives and a monitoring system permits supervisors and staff to identify problem areas in which increased training or direction is necessary. The third purpose is to clarify rights and ensure due process protection to citizens and employees alike. Heightening employee's awareness of the rights afforded them when charged with misconduct will increase the appreciation of the comparable rights afforded citizens accused of a crime.

28.1.2 This policy is also to provide citizens with a fair and effective avenue for redress of their legitimate grievances against law enforcement personnel in general and Sheriff's Office employees specifically, and, by the same token, to protect employees from false charges of misconduct or wrongdoing and provide accused employees with due process safeguards. The Sheriff's Office seeks to maintain its integrity and that of its employees. In so doing, the Sheriff's Office shall not hesitate to impose disciplinary actions on guilty employees, to remove from employment those employees who prove to be unfit for law enforcement work, and to dismiss unjustified allegations against innocent employees.

### **28.2 Classes of Complaints**

28.2.1 Specific categories of misconduct investigations are precisely defined and classified as follows:

#### **28.2.2 Class I Complaint**

The "Class I" complaint designation is reserved for cases where a substantiated complaint or allegation would logically result in an economic loss to the employee, which is the standard for formal discipline in the Sheriff's Office. In these cases, the allegations involve serious misconduct or criminal wrongdoing. A Class I investigation must include a complete internal investigation conducted by a trained, impartial investigator. When practicable, the investigator will not be an employee of the employee's current direct chain of command.

#### **Examples of Class I Complaints**

- A. Crime - Complaint regarding the involvement in illegal behavior, such as bribery, theft, perjury, or narcotics violations.

- B. Excessive Force - Complaint regarding the use or threatened use of force against a person.
- C. Arrest - Complaint that the restraint of a person's liberty was improper or unjustified.
- D. Entry - Complaint that entry into a building or onto property was improper and/or that excessive force was used against property to gain entry.
- E. Search - Complaint that the search of a person or his property was improper, in violation of established procedure, or unjustified.
- F. Harassment - Complaint that the taking, failing to take, or method of law enforcement action was predicated upon irrelevant factors, such as race, attire, sex, age, etc.
- G. Demeanor - Complaint regarding a Sheriff's Office employee's bearing, gestures, language, or other actions which are offensive or of doubtful social propriety or gives the appearance of conflict of interest, misuse of influence, or lack of jurisdiction or authority.
- H. Serious Rule Infractions or violations of this manual - Disrespect toward a supervisor, drunkenness on duty, sleeping on duty, neglect of duty, false statements, and abuse of sick leave.

### 28.2.3 Class II Complaints

Minor violations and complaints are classified as Class II, or "Administrative Inquiries". In these cases, the employee may receive a verbal warning, documented counseling, written reprimand, or remedial training if found to be at fault. Serious actions are not warranted in these instances, and the above listed results are not considered formal discipline. Class II cases may include rude or unprofessional conduct and questions about the quality of work or service performed.

An employee with a lengthy history of minor violations may become the subject of a charge that could, if substantiated, result in an economic loss to the employee. These cases may be typified as a charge of incompetence or insubordination. Repeated infractions and a failure to respond to corrective measures and training may cause a Class II case to evolve into a Class I case.

During the course of an investigation, if an investigator finds information of a serious nature that would change the classification to a Class I investigation, the investigator will contact the undersheriff so a determination can be made as to the classification of the case. If the classification is to be changed to a Class I complaint, the Class I investigative steps will then immediately be initiated.

### Examples of Class II Complaints

- A. Minor Rule Infractions - Untidiness, tardiness, or failure to follow procedures.
- B. Violations of this manual.
- C. Performance issues, quality of service, demeanor and attitude.



## 28.3 Citizen Complaints

28.3.1 Citizen complaints will be handled in an expeditious manner. The citizen will be given the option of filing a formal or informal complaint. If the supervisor can settle the complaint at the time it is made and providing the situation is of a minor nature, the Citizen Complaint form does not need to be filled out. The supervisor choosing to conduct the complaint on an informal basis shall advise the complainant that there will be no formal report forwarded. The complainant will be given the option of filing a formal complaint or allowing the supervisor to handle it informally.

28.3.2 Supervisors choosing to handle minor complaints informally shall prepare an Administrative Inquiry Report containing the nature of the complaint, the employee(s) involved, and the action taken. Counseling forms that are used as a result of the investigation shall be attached to this report. This report will be directed to the division head of the involved employee through the chain of command and a copy of that report to the undersheriff.

28.3.3 All formal citizen complaints will be directed to the shift supervisor or lieutenant on duty at the time the complaint is made. If a supervisor or lieutenant is not available, the complainant will be provided with a form to fill out. The form will be forwarded to a shift supervisor or lieutenant as soon as possible.

28.3.4 Citizens desiring to file formal complaints will be fully informed as to how this is done. The Citizen Complaint form will be filled out by the complainant and signed if they wish to file a formal complaint. This will be used to record the allegation of misconduct. The information recorded will be that which is necessary to begin an investigation.

28.3.5 The Citizen Complaint form will be completed by the complainant unless conditions dictate otherwise. In such cases, the form may be filled out for them, but the complainant must be asked to sign the complaint. Whether the allegation of misconduct is received in person, by telephone, or by any other means, the form will be made available to the complainant for signature. If the complainant refuses to fill out or sign the form, an investigation may be conducted. In these cases, the unsigned form will be forwarded as outlined below with an explanation of why it is unsigned. Results of an investigation will be reported to the complainant whenever a complaint form is signed. Specifics of any disciplinary action will not be disclosed.

28.3.6 Any employee of the Sheriff's Office receiving or forwarding a complaint who does not believe that an investigation is necessary or indicated will forward the complaint through the chain of command to the sheriff or his designee, who will make the final decision on what action, if any, will be taken.

28.3.7 Employees who have a reason to believe that a complaint may be filed arising from their actions, are encouraged to immediately notify their supervisor and disclose the reason(s) for their belief that a complaint may be filed.

28.3.8 The completed Citizen Complaint form is a confidential document subject to the State Public Disclosure Law. After the form is completed, it shall be handled accordingly and kept in an envelope or

file. The substance of the complaint or any other information related to the complaint shall not be revealed or unnecessarily disclosed except as provided by rules and regulations of the Sheriff's Office, Civil Service rules, and the terms of the bargaining unit contract. The undersheriff will provide a copy of the complaint and resulting reports to the administrative assistant for filing. Providing the complaint does not relate to illegal activity, the undersheriff will, through the chain of command, assign a staff employee to direct the investigation the complaint. If the nature of the complaint indicates the need to maintain strict confidentiality, the procedures may be altered with the concurrence of the sheriff or his or her designee. The internal investigator will direct his or her report similarly back through the chain of command. In all cases, the employee being investigated will be notified of the investigation and kept informed of the investigation's progress according to the bargaining unit contract

28.3.9 Upon assignment of a Class 1 complaint for investigation, the undersheriff or his or her designee will notify the affected employee(s) in writing of the investigation and the allegations. In the case of Class II complaints, the employee's supervisor will generally inform them of the complaint or allegations. Notifications will comply with the bargaining unit contract and civil service requirements.

28.3.10 If, during an investigation suspected criminal activity is discovered, the individual assigned to investigate will notify an employee of the staff immediately.

28.3.11 If one or more of the allegations of the complaint is sustained, or misconduct discovered during the investigation is sustained, the appropriate disciplinary measures will be taken in accordance with this manual, Civil Service Rules, and/or the current applicable bargaining unit agreement. A record of the disciplinary action taken will be placed in the complaint investigation file as well as the employee's personnel file.

28.3.12 When the finding is unfounded, exonerated, or not sustained, the involved employee will be informed of the results in writing. All copies of records will be filed in the complaint's investigation file, which is maintained by the administrative assistant.

## **28.4 Complaints of Criminal Activity**

28.4.1 Complaints against an employee which uncover a criminal violation will be grounds for bringing criminal charges. Prosecution will not prevent the internal disciplinary process from dealing with the same matter on an administrative level.

28.4.2 If the complaint is in regards to illegal activity, the undersheriff will conduct the internal investigation or assign it to another Sheriff's Office employee. The criminal investigation may be forwarded to another criminal justice agency for completion and the Prosecuting Attorney will be advised of such investigation.

28.4.3 The assigned internal investigator will employ the following format in submitting the final written report:

- A. The Allegation Stating as clearly and concisely as possible the nature of the complaint that has been filed. If more than one allegation is mentioned or filed, each allegation will be listed separately.
- B. The Investigation Show a chronological summary of the investigation, including a synopsis of all statements.
- C. A Finding of Fact Show a numerical listing of the findings of fact for each allegation. For example, if the allegation is of excessive force, start with the first contact the employee had with the complainant:
  - 1. Deputy Jones did respond to a domestic complaint at 1111 Avenue on 00/00/00.
  - 2. Deputy Jones did make contact with complainant Smith at 1111 Avenue.
  - 3. Deputy Jones did have to physically restrain the complainant in order to affect an arrest, etc.
- D. Amount of Time Expended - Include all of the hours spent by Sheriff's Office personnel in conducting the investigation and preparing the report.
- E. Attachments - Include with a cover letter all reports, statements, photographs, etc., that are relevant to the investigation.

28.4.4 The internal investigator will submit his or her report to the undersheriff as soon as practicable.

## **28.5 Disposition Of Class I Complaints**

28.5.1 The undersheriff will review the report to determine completeness. If the complaint is a criminal investigation, the report will be forwarded to the sheriff who will refer it to the appropriate Deputy Prosecutor for review and presentation to the appropriate court. If the complaint is non-criminal in nature, the undersheriff will prepare a report that will include a disposition of each allegation classified in one of the following categories:

- A. Sustained - The allegation was substantiated
- B. Unfounded - The allegation was false or not factual
- C. Exonerated - The incident occurred, but the employee acted lawfully and properly
- D. Not Sustained - There is not sufficient evidence to prove or disprove the allegation

28.5.2 The classification will be made by a "preponderance of the evidence" as the standard of proof

28.5.3 If one or more of the allegations of the complaint is sustained, or misconduct discovered during the investigation is sustained, the appropriate disciplinary measures will be taken in accordance with this manual, Civil Service Rules, and/or the current applicable bargaining unit agreement. A record of the disciplinary action taken will be placed in the complaint investigation file as well as the employee's personnel file.

28.5.4 When the finding is unfounded, exonerated, or not sustained, the involved employee will be informed of the results in writing. All copies of records will be filed in the complaint investigation file,

which is maintained by the administrative assistant. The employee will be allowed to view the investigative file by request as per the bargaining unit contract.

## **28.6 Responsible Individual or Position**

28.6.1 The undersheriff is responsible for all internal affairs functions for the Whatcom County Sheriff's Office and will report directly to the sheriff all investigations as they are initiated. The assigning of investigations and completion of those investigations will be managed by this staff position.

28.6.2 The chief criminal deputy may issue written reprimands but will furnish a copy to the undersheriff when issued.

28.6.3 Any command or supervising officer may impose an emergency suspension upon an employee or employee when it appears that such action is in the best interests of the Sheriff's Office. Any person so suspended shall be instructed to hold himself/herself ready to report to the office of the chief criminal deputy when requested unless the circumstances dictate a different course of action. The officer imposing the suspension will report to the chief criminal deputy at the same time. The officer imposing the suspension shall write a complete report of the incident(s) and notify the DSO of the incident leading to the suspension before reporting off duty on the shift during which the suspension was ordered. This report will be addressed to the chief criminal deputy, undersheriff, and the sheriff and forwarded accordingly.

## **28.7 Policy Dissemination**

28.7.1 The Internal Affairs policy distribution will include all employees, employees, and volunteers with the Sheriff's Office.

## **28.8 Employee Notification**

28.8.1 When an employee is notified that he or she has become the subject of an internal investigation, (Class I Complaint) the undersheriff will provide a written statement to the employee outlining the allegation(s), and the applicable rights of the employee accused.

28.8.2 All complaints against employees shall be thoroughly reviewed and investigated. The employee will be informed of the allegations and given the opportunity to explain. Such notification, interview, and explanation shall be in accordance with applicable working agreements. When illegal activity is alleged, the employee will be given every right due any other person who is suspected of a crime in regards to a criminal investigation.

## **28.9 Complaints Against The Sheriff's Office and/or Employees**

28.9.1 It is the policy of the Sheriff's Office to accept and investigate all complaints of employee misconduct or wrongdoing from any citizen or another Sheriff's Office employee.

## **28.10 Maintenance of Records**

28.10.1 The administrative assistant to the sheriff will maintain a record of all complaints against the Sheriff's Office and its employees. Only the sheriff, undersheriff, chief criminal deputy, and the administrative assistant shall have direct access to these records.

## **28.11 Duty To Reply/Cooperate**

28.11.1 All investigations and information gathering will be completed in compliance with current federal and state statutes and case law.

## **28.12 Sheriff's Office Review Board**

28.12.1 As an aid to the sheriff in the review of certain types of incidents, a review board will be established. This review board is advisory to the sheriff and can be called at the convenience of the sheriff or his or her designee. Review board findings or recommendations are in no way binding to the sheriff. It will provide the sheriff with information to assist in the direction of training, equipment needs, and disciplinary action.

28.12.2 The Review Board will examine all information submitted relative to the following incidents:

- A. Motor vehicle collisions involving County vehicles
- B. Incidents involving damage to County owned equipment
- C. Incidents involving the discharge of firearms and deadly force
- D. Lost and/or stolen County property
- E. Any other matter referred to the board by the sheriff

## **28.13 Review Board Membership**

28.13.1 The review board shall be composed of full time employees and appointed as follows:

- A. The chief criminal deputy or his or her designee shall appoint an employee who holds the rank of sergeant or above who is of equal or greater rank than the person who is the object of the board as chairperson
- B. In cases of vehicle accidents or damage to county property (from A and B above in 28.12.2), the road use investigator or his or her report shall be included in the board.
- C. The chairperson of the board shall appoint two other employees to the board who are of equal or greater rank than the person who is the object of the board, one of which will have the concurrence of the person who is the subject of the review board. If this person does not concur with the chairperson's selection, the reason must be one of prejudice that can be articulated.

28.13.2 The chairperson's duties include the organization of the board, appointing the rest of the board, chairing the board, and being responsible for the written findings of the board to be passed to the division head.

28.13.3 In cases involving use of force, an employee of the training staff responsible for the program that directly relates to the type of tactic under review shall be included as an employee of the review board.

28.13.4 In the event of a shooting, an employee of the firearms training staff may be included as an additional review board employee.

## **28.14 Review Board Procedures**

28.14.1 The Review Board will convene as soon as practicable following a referral of an incident to the Board.

28.14.2 The chairperson will decide any question of procedure or acceptability of evidence. The chairperson will also decide the relevancy of a question.

28.14.3 The investigating officer who completed the investigation will present the information and facts of the incident to the board.

28.14.4 Reviews or hearings will be conducted in private and in a businesslike manner as efficiently as possible.

28.14.5 Board employees will not reveal or allow to be revealed any of the board's proceedings or decisions, except to the staff.

28.14.6 All witnesses and employees involved are subject to be called before the review board.

28.14.7 The review board's determination of the facts/findings on the matter under review shall be advisory only to the sheriff.

28.14.8 It is the responsibility of the sheriff to notify the affected employee of the findings and decisions as well as any disciplinary action to be taken.

## **28.15 Determination Of The Review Board**

28.15.1 At the completion of an investigation, the Review Board will report in writing to the sheriff or his or her designee in the following format:

- A. A synopsis of the incident including: testimony heard, evidence presented, and documents or other materials reviewed
- B. The board's conclusion regarding the reason for or cause of the incident

- C. If the employee was acting within the scope of rules, policies, and procedures of the Sheriff's Office
- D. If an employee was justified in taking the action he or she did
- E. Any mitigating factors that contributed to the incident

28.15.2 The board may make recommendations in the following areas:

- A. If a training problem exists for the employee
- B. If appropriate, recommend changes in Sheriff's Office policies, procedures, equipment, and/or general training

28.15.3 The undersheriff will review the findings of the board and make a final determination. If disciplinary action is considered, it shall follow the guidelines as set forth in this chapter. Any appeal of disciplinary action must be made to the sheriff in writing within 10 days.

## **28.16 Harassment Of Complainants**

28.16.1 No employee shall harass, verbally abuse, or threaten any person who files a complaint against that employee or any other employee.

## **28.17 Counseling And Correction**

28.17.1 Sergeants and first level supervisors have the authority to deal with day to day concerns about employee conduct and performance. Supervisors may use a variety of options available to them for correction of minor problems and deficiencies. These options include verbal counseling, written memos to the officer to correct a deficiency, and formal written counseling.

28.17.2 When a supervisor deems it to be a problem of significance, or a continuing deficiency in performance, he or she shall use a counseling form to more formally notify the officer of a concern about their performance or conduct. The majority of documentation of employee problems will come through the counseling forms. All written communications with officers regarding performance and conduct shall be forwarded through the chain of command to the chief criminal deputy. All records of these will maintained by the administrative assistant.

28.17.3 For serious violations, ethical concerns, serious conduct violations, and repeated performance problems, the supervisor shall notify the Lieutenant or Chief of their respective division of the problem. Options at that point may be discussed as to further counseling, retraining, or sanctions against the offending officer.

28.17.4 Further, continuing violations and failure to respond to corrective action will result in a formal investigation with disciplinary action. Such investigations will be initiated in the same manner as citizen complaints.

28.17.5 When an investigation into misconduct has been completed and allegations of misconduct have been sustained, the sheriff will receive and review the investigation and recommendations and determine what action is to be taken.

28.17.6 If the appropriate corrective action is counseling, verbal reprimand, or a letter of reprimand, it shall be noted by the sheriff and returned to the undersheriff for implementation. The appropriate actions will be consistent with this manual, the Civil Service Rules of Whatcom County, collective bargaining agreements which are in effect, and all applicable laws and regulations.

28.17.7 When an employee receives counseling beyond a verbal reprimand it shall be in writing on the appropriate form detailing the circumstances of the incident and the action taken. The employee will be given a copy, and asked to sign the original which will be placed in the employee's Sheriff's Office personnel file.

28.17.8 Correction Notices (i.e.: report correction forms, time sheet correction forms, etc.) will be filed independently with the chief criminal deputy and shall not go into the employee's personnel file unless they result in further performance problems which result in a written counseling session.

28.17.9 If the appropriate corrective action is greater than a letter of reprimand, then the resulting measure(s) are considered disciplinary in nature. The undersheriff shall notify the affected employee of the extent of the intended discipline, and shall advise the employee of the date of an informal pre-disciplinary hearing before the sheriff for the purpose of providing additional information or explanation of the actions that resulted in the intended discipline. The affected employee has the right to review the report of the investigation and present any other information or mitigating circumstances he or she feels the sheriff should know. The affected employee has the right to waive this informal hearing before the sheriff.

28.17.10 The sheriff will make a final determination and notify the employee. If the employee waives the informal hearing, the sheriff shall make a final determination and notify the employee.

28.17.11 The notice of intended disciplinary action must be sent within the time limits prescribed in the appropriate County Civil Service Rules or the collective bargaining agreements that are in effect.

28.17.12 The affected employee may be placed on administrative leave (with pay) if the sheriff's notification to the employee of intended discipline is likely to be termination of employment. The employee may remain on administrative leave (with pay) until such time as the final disciplinary determination is made by the sheriff.

28.17.13 The affected employee may be placed on administrative leave with pay if the investigation reveals that a crime may have been committed.

28.17.14 The affected employee may be placed on administrative leave when, at the discretion of the sheriff, it is in the best interests of the Sheriff's Office to do so.



28.17.15 The sheriff may delegate any portion of this procedure or notification to the undersheriff.

## **28.18 Supervisory and Command Staff Discipline**

28.18.1 Any supervisor may counsel an employee under his or her command and issue a verbal reprimand. This in no way diminishes the authority of a supervisor to relieve or suspend an employee for just cause in an emergency situation.

28.18.2 Any disciplinary action (action above a letter of reprimand), will be the responsibility of the sheriff or his or her designee.

28.18.3 The sheriff has the responsibility of terminating an employee when necessary.

## **28.19 Disciplinary Procedures**

28.19.1 It is the policy of the Sheriff's Office to generally accept and utilize the concept of progressive discipline in the application of corrective and disciplinary matters.

28.19.2 Progressive Discipline and Corrective Action

- A. Progressive Discipline - Formal actions/sanctions will normally begin at the least punitive level involving economic loss to the employee and progress to more severe responses for repeat or successive violations. The process is instituted only after initial counseling, official warning, or other corrective action has been performed or the infraction or violation is of such a nature that official disciplinary action is required. Disciplinary action continues until the unacceptable behavior ceases or the errant employee's employment is terminated
- B. Corrective Action - There are basic steps used by the Sheriff's Office in the application of progressive corrective action:
  - 1. Counseling - Counseling is considered to be informal, although it may be in writing, and seeks to correct conduct that is not acceptable or desirable
    - a. Counseling may or may not be documented in writing
    - b. Significant counseling or correction, or repeated violations must be documented in writing and acknowledged by signature
  - 2. Warning - A warning may be considered to be either formal or informal corrective action depending on the level it is utilized at and who is issuing it
    - a. Warnings issued either in oral or written forms by supervisors are considered informal, while written warnings issued by management or administrative staff employees at later stages of the process are considered formal corrective action.
    - b. Warnings must be documented and acknowledged with signatures
  - 3. Reprimands - A reprimand is considered to be informal discipline if it is delivered by a primary supervisor and is verbally given. It is considered to be formal if it is issued in writing by management or administrative personnel.

- a. Verbal reprimands issued by supervisors must be documented in writing.
  - b. Written letters of reprimand issued by division commanders or administrative staff employees are always documented in writing.
- 4. Remedial Training - Remedial training is used for corrective purposes in order to assist and enable the employee to meet current Sheriff's Office performance standards.
  - a. Remedial training should be recommended in a written plan for correction by the employee's supervisor.
  - b. Remedial training assignment must be documented in writing and acknowledged by signature of the employee.
  - c. Remedial training must be approved by a staff employee of the rank of lieutenant or above.
- C. Levels of Discipline
  - 1. Suspension - A suspension without pay or benefits is formal discipline and is always issued in writing by the sheriff
  - 2. Transfer - An employee may be transferred to another assignment as a disciplinary action.
  - 3. Demotion - An employee may be demoted to a lesser rank as a disciplinary action.
  - 4. Dismissal - Termination from employment is the highest step in the formal discipline process and is the most severe action available short of criminal prosecution.
    - a. Dismissals must follow specific implementation guidelines and are always documented in writing
    - b. The sheriff has the sole authority and responsibility to determine and carry out the termination of employment as a disciplinary measure
  - 5. Criminal Prosecution is not considered to be discipline for the purpose of this policy
- D. Application of Progressive Discipline - The progressive discipline steps provide a guide for disciplinary action.
  - 1. Minor violations may utilize each step in a progressive manner
  - 2. Greater violations may warrant skipping some steps
  - 3. Serious conduct or criminal violations may warrant direct progression to dismissal
- E. Disciplinary Actions To Be In Accordance With Civil Service Rules and Regulations - All disciplinary actions as listed above, including subsequent hearings and appeals are to be in accordance with the applicable Whatcom County Civil Service Rules and Regulations.

## **28.20 Dismissals**

28.20.1 There are certain activities which are so repugnant to honesty, integrity, and the principals of proper police conduct that the strictest form of discipline is normally required. Any sustained charges of willful, deliberate misconduct in the following categories may result in immediate dismissal:

- A. Intentionally making false or fraudulent statements or inducing others to do so
- B. Conviction of a felony or misdemeanor involving moral turpitude
- C. Taking or giving of a bribe or payoff in any form
- D. Willful, wanton use of excessive force against any person
- E. Intoxication while on duty, pertaining to alcoholic beverages and/or drugs, as referenced in Chapter 42 of this policy manual
- F. Intoxication while off duty which results in a criminal conviction, as referenced in Chapter 42 of this policy manual
- G. Continued absence from duty for three days without leave
- H. Willful violation of the rules and regulations of the Sheriff's Office or of the Civil Service regulations unless found to be appropriate as per the first paragraph in the introduction of this manual
- I. Willful violation of any lawful and reasonable regulation, order, or direction made or given by a superior officer where such violation has amounted to insubordination or serious breach of proper discipline, or has resulted in loss or injury to the county or public
- J. Continual incompetence, carelessness, or inefficiency in the performance of duty
- K. Carelessness or negligence in the use of the property of the County except as described in Chapter 46.16.01 (I) of this manual
- L. An attempt to induce any employee of the County to commit any illegal act in violation of any lawful or reasonable Sheriff's Office regulation
- M. Failure to cooperate with internal Sheriff's Office investigations
- N. Accepting from any person any gratuity, fee, commission, loan, reward, or gift whatsoever, for service rendered incident to his or her duty as a deputy sheriff, except such rewards as may be approved by the sheriff
- O. Conduct unbecoming an officer, or employee of the Whatcom County Sheriff's Office. Conduct unbecoming an officer would be defined in this context as any violation of the rules and regulations of the Sheriff's Office, violation of federal, state, or local criminal statutes, or conduct that directly or indirectly affects or impacts the ability of the employee to conduct themselves as employees of law enforcement or as Sheriff's Office employees.

28.20.2 Upon the dismissal of any employee, the Sheriff's Office will provide the discharged employee with a statement that cites the reasons for dismissal, the effective date of the action, and any rights the discharged employee may have for appeals and/or hearings. This will be in addition to any exit interview, or documentation provided by the Sheriff's Office or the Personnel Department of the County. The discharged employee will be allowed access to the file as per the bargaining unit contract.

The discharged employee will also be provided a copy of the investigative file and copies of all documents relied upon in the decision to dismiss as per the bargaining unit contract.

28.20.3 In the case of discharges of probationers or other employees not covered by the bargaining unit agreement or Civil Service, a pre termination meeting with the Sheriff's Office hiring authority is required to explain the reason for discharge and to allow the employee an opportunity to respond. It is the policy of the Sheriff's Office to insure that employees who are discharged for poor performance are advised of their deficiencies through the Performance/Evaluation system before discharge, whenever possible.

## **28.21 Maintenance of Records**

28.21.1 The maintenance of records relating to disciplinary actions is governed by this manual and the rules of the Personnel Department of Whatcom County.

28.21.2 The records of disciplinary actions are maintained in the office of the administrative assistant to the sheriff.

## **28.22 Responsibility For Discipline**

28.22.1 Every employee of the Sheriff's Office plays an important role and has a specific responsibility in maintaining an acceptable level of discipline within the Sheriff's Office.

- A. sheriff - The sheriff is ultimately responsible for the positive maintenance of discipline within the Sheriff's Office in order that it may fulfill its mission on behalf of the citizens of the County and the State of Washington
- B. undersheriff - The undersheriff shall be administratively responsible for overseeing and assuring effective internal discipline
- C. Chief Deputy - The Chief Deputy shall be responsible for coordinating the operation of the internal disciplinary process
- D. Commanders - Division commanders and lieutenants shall be responsible for divisional compliance with Sheriff's Office policies and procedures. They shall also be responsible to see that disciplinary sanctions and measures are imposed as may be required within the divisional unit
- E. Supervisors - Supervisors are responsible for assuring compliance with policies and procedures and with corrective training and disciplinary requirements. Supervisors are also responsible for observing, documenting, and reporting positive and negative conduct, as well as instructing, counseling, and correcting subordinates under their supervision
- F. Line Employees - Operational personnel have the responsibility of complying with policies and procedures and with reporting significant violations of the same. Such employees are responsible for complying with corrective, training, and disciplinary requirements.

- G. All Employees and Employees - Are responsible for supporting and encouraging positive internal discipline. All Sheriff's Office employees and employees are responsible for adherence to the policies contained in this chapter and the rest of this manual. They are further charged with the responsibility of rejecting and refusing to tolerate misconduct in any form.

## **28.23 Appeal Procedures**

16.23.1 Disciplinary appeal procedures are found in the Civil Service rules for Whatcom County, this manual, and in the appropriate collective bargaining agreements.

## **Chapter 29: Public Information and Community Relations**

### **29.1 Public Information Function**

29.1.1 The Public Information function is the responsibility of the sheriff or his or her designee. The person performing in this position of Press Information Officer (PIO) must always keep in mind that he or she represents an expressed policy of openness and accessibility on the part of the Sheriff's Office. The obligation of the PIO is to provide the press with as much assistance as possible without interfering with the operations of the Sheriff's Office and to assist the press in acting responsibly and in obeying pertinent statutes. For information on designated PIOs please see Operation's Manual #P-029.

### **29.2 Press Releases**

29.2.1 The Sheriff's Office will maintain a recorded press briefing that will be updated three times per day at the end of each patrol shift. This recorded message is not intended to replace press releases and the Sheriff's Office's Press Board. This recording is intended to provide a timely release on major events so that the local press organizations can meet their deadlines.

29.2.2 This recording may be accessed through a non-published telephone number issued only to accredited working press organizations.

29.2.3 The supervisor of the shift or his or her designee is responsible for the updating of the press recording at the times specified above. A list will be placed on the recorder concerning major events that may be of interest to the public along with a brief description of the information that will be furnished in the form of press releases for each event.

29.2.4 For information on the press line summaries, please refer to the Operation's Manual #P-029.

29.2.5 Requests for additional information concerning crimes or events responded to will be referred to the Detective Sergeant during normal business hours.

29.2.6 During special events or major crimes, the sheriff will designate a press briefing location and a staff employee or other designee as a Press Information Officer. All requests for information will be referred to that person and location. In the case of major investigations, no information will be given to the media by any person other than the sheriff or the designated PIO.

29.2.7 Normally, press information requests from current criminal cases and other agency files will be routed to the detective sergeant. If the detective sergeant is not available, calls may be routed to the Lieutenant of Operations and then the chief criminal deputy. In all instances of major crimes, the sheriff, or DSO in his or her absence, will designate the PIO. The PIO will handle all relations with the media including access for reporters and photographers to scenes.

29.2.8 Media briefs on natural disasters, fires, and catastrophic events will normally be handled by the Department of Emergency Services at the direction of the sheriff.

### **29.3 Sheriff's Office Press Board**

29.3.1 It is the responsibility of the graveyard supervisor to ensure that at the end of the graveyard shift the press sheets are removed from the initial reports that have been completed, reviewed, and signed off. The reports will be placed in the designated box for Records and ID. The press box is located in the lobby of the jail.

### **29.4 Releasing Information – In-Progress Calls**

29.4.1 Regarding in progress calls, the following guidelines should be followed when releasing information to the media:

- A. When the information requested is for a type of incident, terms such as accident, assault, domestic disturbance, burglary, etc. will be used. Names and numbers of people involved shall not be disclosed, nor should it be mentioned that the event resulted in fatalities or extensive injuries. A press release should not be given by an off going supervisor unless enough information is on hand regarding the case.
- B. When the information requested is for the location of the incident, use the street name and give a block number range. If the streets are blocked, exact locations may be released to the press.
- C. When the information requested is for the time of the occurrence, give the reported time as received in the communications center.
- D. When the information requested is regarding the agency that is handling the call or incident, provide the name of the responding public service agency or agencies.
- E. When the Press Information Officer is not immediately available, the shift supervisor may, if he or she believes that it will assist the press without impeding on ongoing operations, provide additional types of information, i.e.; that a bank robbery has occurred, that a barricaded situation or other unusual occurrence is in progress, and the location for any press briefing if one is set up. A location for press to congregate is desirable to ensure they do not interfere with the actual scene. The supervisor may authorize the release/broadcast of descriptions of wanted suspects where it would be helpful to the operation to have that information available to the general public. The supervisor may prepare and issue some form of preliminary press release and authorize it to be given over the press inquiry telephone recording if there is sufficient time and personnel are available to accomplish this.

### **29.5 Address and Telephone Numbers of Employees**

29.5.1 Employees will not divulge the address or telephone number of any other employee to employees of the media or to any other person outside of the Sheriff's Office.

### **29.6 Working Press Access**

29.6.1 No employee of the Sheriff's Office will knowingly permit the working press to contaminate a crime scene or to destroy evidence. It is therefore necessary that the press remain outside of all barrier

lines unless escorted by a staff employee. No working press personnel will be allowed to enter an area where such entry would endanger life. Sheriff's Office employees will not aid the press in breaking the law nor knowingly allow the press to break the law. At scenes of major fires, natural disasters, and catastrophic events, Deputies will establish barrier lines. Unless escorted by a staff employee, the press will not be allowed to cross the barrier.

## **29.7 Press Relations**

29.7.1 The press organizations are important to the Sheriff's Office because they portray the Sheriff's Office to the public. They can be of aid to the Sheriff's Office in alerting the public to crime problems and in seeking the aid of the public. Therefore, the Sheriff's Office and its employees will strive to maintain a good working relationship with employees of the press.

29.7.2 Employees will treat bona fide representatives of the press in a courteous, professional manner. Any request by the press for confidential information or access to restricted areas should be politely referred to the PIO or in his or her absence to the sheriff.

29.7.3 Employees who are confronted by representatives of the working press with questions or probes of a controversial nature or which might compromise any Sheriff's Office operation will immediately refer the matter to a supervisor or the Press Information Officer.

## **29.8 Ongoing Criminal Investigations**

29.8.1 Any information that is being considered for release that relates to an ongoing criminal investigation must be cleared through the chief criminal deputy. It is the policy of the Sheriff's Office to refrain from releasing any information about an ongoing investigation that would be detrimental to the case or place any person involved in jeopardy.

## **29.9 Community Relations Function**

29.9.1 Each employee of the Sheriff's Office is charged with the responsibility of developing and maintaining positive community relations.

29.9.2 Sheriff's Office employees often perform in public under circumstances that could cause misunderstanding and/or misinterpretation of law enforcement activities. Witnesses and participants may be influenced by their preconceptions and biases when they evaluate law enforcement action. This can lead to incidents that cause resentment of all law enforcement actions, no matter how legitimate. If the public understands and appreciates the nature of law enforcement tasks, they can better judge whether the Sheriff's Office is serving the community. The public needs information about the nature of the Sheriff's Office role in law enforcement and its role in the community in order to develop an understanding of the Sheriff's Office's mission.

29.9.3 The community relation's function of the Sheriff's Office is handled in part by the crime prevention officer. The crime prevention deputy will handle such programs as neighborhood watch, property identification, and any other programs or public requests for information or presentations.



29.9.4 The sheriff's Citizen Advisory Committee fosters cooperation and involvement between the community and the Sheriff's Office. The Committee will develop information and acquaint the public with law enforcement tasks through local meetings in the areas that they represent. The sheriff's Citizen's Academy, Explorer programs, sheriff's Reserves, public presentations, crime prevention classes, personal safety classes, and other public programs, including tours of the Sheriff's Office facilities will also be used to inform the public about the Sheriff's Office's activities.

## **29.10 Release of Information by Dispatch**

29.10.1 Dispatch will refer all press calls to the supervisor of the shift per their policy.

## **29.11 Sex Offender Registration/Notification**

29.11.1 RCW 4.24.550 authorizes a public law enforcement agency to release relevant and necessary information regarding sex offenders to the public when the release of the information is necessary for public protection. This was upheld in *State v. Ward* in the Supreme Court of the State of Washington.

29.11.2 Once information relating to a sexual predatory offender is received from the State or any other source, several levels of dissemination should be considered depending upon the risk that the offender poses to the community. The following levels of dissemination will be considered:

- A. Level I - The information will be maintained with the Sheriff's Office and will be disseminated to other appropriate law enforcement agencies (photographs of the offender may be included). This information will be disseminated to other law enforcement agencies during normally scheduled meetings on a quarterly basis.
- B. Level II - Includes the actions within Level I. Also, schools, businesses, and neighborhood groups may be notified to include a photograph, address, and information concerning the criminal history of the offender.
- C. Level III - This includes Level I and II. Also, the public will be notified through specific press releases, mailings, and personal contact if necessary.
- D. Release of information should be based on a need to know basis to other law enforcement agencies, schools, and/or other people in the community who could be affected by the release.
- E. Upon receipt of information that a sexual offender has been released, and will reside within the jurisdiction of the Sheriff's Office, detectives will contact DOC, DSHS, court of conviction, or the state juvenile justice system, and the original investigating agency. Prior to any release of information, a detective will check for the physical presence of the offender in the community following the offender's release from state custody. Before a Level III release of information, detectives will check with the original arresting agency to discuss the assessment of this offender as a Level III threat.
- F. Detectives who conduct background investigations on released offenders will keep accurate reports. When the information from the State contains convictions for crimes other than the

one for which the offender was last incarcerated, the Records Bureau will conduct a records check to obtain a complete and accurate record of all the offender's convictions and forward it to the assigned detective.

- G. Upon the completion of the background investigation of the released offender, the report will be forwarded to the Detective Section supervisor. If the supervisor believes a Level II or III release should be made, the report with recommendation will be forwarded to the Lieutenant of Operations, the chief criminal deputy, and then to the sheriff. Once the risk assessment has been approved by the sheriff, it will be forwarded to the Chief Civil Prosecutor for the Whatcom County Prosecutor's Office for final review.
- H. Upon receipt of the report, the sheriff, in consultation with the Sheriff's Office Staff, will classify the offender as Level II or III. Following the classification, the sheriff will ensure the appropriate notification is made.
- I. All level ratings will follow the following chain of command:
  - 1. Approval by the Detective Sergeant
  - 2. Approval by the Patrol Lieutenant
  - 3. Approval by the chief criminal deputy
  - 4. If Level II or III, approval by the sheriff
  - 5. If Level II or III, approval by the Chief Civil Prosecutor
- J. Only sex offenders classified as a Risk Level I will be considered for the work release program. Level II and Level III offenders will be ineligible for any work release programs. All work release applicants for rating will be reviewed by the sheriff.

## **29.12 Citizen Commendation**

29.12.1 Law enforcement work involves dealing with people at all times, usually under trying circumstances and conditions. Occasionally this results in a desire on the part of a person affected by law enforcement to comment about the experience. Such a comment is normally either a commendation or a complaint. This procedure will provide a standardized means of recording commendations about individual employees.

## **29.13 Commendation Procedure**

29.13.1 If a citizen notifies a Sheriff's Office employee, either by telephone or in person, of a complimentary or commendable act on the part of another Sheriff's Office employee, the Citizen Commendation/Complaint form should be filled out as completely as possible.

29.13.2 It is desirable from a public relations standpoint, if possible, to have a supervisor make contact with the person expressing the commendation. The supervisor would then fill out the form after that contact. If circumstances do not permit this, then the person receiving the call or contact should complete the form. After completing the form, it is to be forwarded to the sheriff through the proper channels, for proper recognition of the action, and for inclusion in the employee's personnel file.

29.13.3 Commendations are not restricted to citizens. Frequently an employee will see a fellow employee perform in a meritorious or heroic fashion. The observer becomes the only avenue through which the act will be brought to the attention of the Sheriff's Office. It is requested that when such an act comes to the attention of a supervisor or fellow employee, that it be reported in a timely fashion in writing to the sheriff through proper channels. All commendations, either from other employees, supervisors, or citizens shall be passed through the chain of command. The chief criminal deputy shall route copies to the sheriff and undersheriff as well as a copy to the administrative assistant for filing in the deputy's personnel file.

29.13.4 – 29.13.6 [Canceled]

## **29.14 Ride-Along Program**

29.14.1 Public ride-along programs together with tours of the Sheriff's Office facilities, publication of crime information, public speaking engagements and other programs in schools are all means to achieve public understanding of law enforcement in general and the Sheriff's Office in particular. The Sheriff's Office shall review and honor individual requests for ride-along privileges on a case by case basis. It is the primary intention of this program to provide exposure and training for law enforcement cadets, visiting law enforcement officers, employees of other elements of the criminal justice system, and to afford representatives of various professional, community, education, social, and religious groups and organizations the opportunity to observe first-hand the Sheriff's Office operations. Every effort should be made to invite appropriate representatives from such groups and service organizations to participate in the ride-along program. It is hoped that these people will return to their respective organizations and share their experiences with others. In this way, the impact and educational value of each individual ride-along event is expanded throughout the community.

29.14.2 Procedures for all ride-alongs are found in the Operation's Manual in the following locations:

- A. P-033 - Civilian Ride-Alongs
- B. P-034 - Ride-Along Approval Instructions
- C. P-035 - Reserve, ESAR, and Other Agency Ride-Alongs
- D. P-036 - Family Employee Ride-Alongs

## **29.15 Employee Advisory Board**

29.15.1 The purpose of the Employee Advisory Board is to facilitate the open and honest flow of information within the Sheriff's Office and to enhance intra Sheriff's Office cooperation. The Board will seek to identify problems common to the organization, and develop and recommend solutions for those problems. Individual problems are most appropriately dealt with through the chain of command.

29.15.2 The Board will consist of nine Employees. One from Patrol, one from the Detective section, one from the Records/ID section, one from the Civil Operations section, one from the Corrections section,

one from Corrections Staff, one from the Emergency Management Division, one from the Administration section, and one from sheriff's staff.

29.15.3 With the exception of the staff employees, one of whom shall be appointed by the sheriff and the other by the chief of corrections, the Board employees will be elected by their respective work group.

29.15.4 Each employee shall serve for a period of one year except in those cases when a Board employee changes his or her work group. In those cases, a new employee shall be elected. Nothing shall prevent a Board employee from serving more than one term.

29.15.5 An employee of the Board, other than the staff employees, will be elected by the Board to serve as chairperson. This position will be rotated annually.

29.15.6 Meetings of the Board will be held monthly. Minutes of the meetings will be kept and published within the Sheriff's Office. Overtime will be paid to those employees attending meetings while off duty.

29.15.7 The Board will accept all suggestions from employees for discussion, provided they follow the format prescribed by the Board. Suggestions should be included in the agenda for the next meeting.

29.15.8 The Board should discuss issues and suggestions to determine if the matter is legitimate and significant to the organization. The Board should not discuss any issue that is addressed in the collective bargaining agreements for commissioned and non-commissioned employees.

29.15.9 Suggestions and recommendations from the Advisory Board will be submitted to the sheriff. Submissions to the sheriff for consideration must include a description of the subject, discussions, comments, assumptions, funding impact and sources, recommendations and alternatives.

29.15.10 The sheriff shall schedule the topic for inclusion in the next scheduled staff meeting and will advise the Board in writing of its response within thirty days of the staff meeting.

## **Chapter 30: Vehicles**

### **30.1 Vehicle Policy**

30.1.1 It shall be the responsibility of employees for seeing that their assigned vehicle(s) are properly equipped with routine equipment to include:

- A. 1, First Aid Kit
- B. Road flares sufficient to last a full shift
- C. 1, Fire Extinguisher, current and fully charged
- D. 1, Shotgun and extra ammunition
- E. 2, Blankets
- F. 1, Field Investigator's Kit

30.1.2 Pre-Drive Inspection - All employees who drive or are assigned vehicles shall conduct a pre-drive inspection prior to operating any Sheriff's Office vehicle. The employee should pay particular attention to vehicle safety items such as tires, brakes, lights, emergency equipment, windshield wipers, etc. Employees shall ensure that required vehicle equipment as noted in 30.1.1 above is present in the vehicle and is operable.

- A. Employees are responsible for ensuring their vehicles are scheduled and delivered for servicing within parameters set by the motor pool.
- B. Employees are responsible to ensure they have sufficient fuel for the shift and callback responses.

30.1.3 When damage or faulty equipment is discovered, it shall be reported to the shift supervisor immediately. In cases of minor problems and the vehicle is drivable, the supervisor shall direct the deputy to schedule the vehicle for maintenance. If the problem is serious or is a safety hazard, the supervisor may take the vehicle out of service pending repair. Any damage to a vehicle which is not considered to be normal wear and tear shall require an event number and a report from the officer who is assigned to the vehicle as to the extent of the damage and how it occurred. This report shall be forwarded to the undersheriff through the normal chain of command. All vehicle maintenance is the responsibility of the Whatcom County Motor Pool.

30.1.4 Shift supervisors shall make regular inspections of patrol vehicles at least once per shift bid period (2 months) for each employee under their supervision. Each vehicle inspection will include an accounting of required equipment contained in the vehicle. The completed Vehicle Inspection Form will then be turned in to the Lieutenant of Operations.

30.1.5 Sheriff's Office guidelines for routine emergency and pursuit operation of Sheriff's Office vehicles shall be adhered to by all employees. Any vehicle involved in a pursuit will be removed from

service until a safety check has been completed by the mechanic if it is felt such an inspection is necessary by the shift supervisor. It is the responsibility of the deputy driving the vehicle to report any concerns as to vehicle safety after a pursuit to the supervisor.

## **30.2 Operation of Vehicles**

30.2.1 All employees will operate their vehicles with due regard for safety. When responding in normal driving conditions, when responding in emergency situations, or while in pursuit of another vehicle, employees will take into consideration the condition of the road, the weather, the surrounding traffic, and other hazards and drive appropriately. Vehicles will be operated within the scope of State Law and any provisions for exceptions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons. Nor, shall such provisions or exceptions protect an employee from the consequences of his or her reckless disregard for the safety of others.

30.2.2 Except as provided in the Sheriff's Office Policy for the Ride-Along Program, no person not an employee of the Sheriff's Office will be allowed to ride as a passenger in a Sheriff's Office vehicle without the permission of the shift supervisor or a staff employee. The only exception to this rule is for the employee's immediate family during legitimate off-duty use of the vehicle.

30.2.3 Employees are prohibited from leaving the county jurisdiction in Sheriff's Office vehicles unless on official business.

30.2.4 Employees are prohibited from housing Sheriff's Office owned vehicles outside of Whatcom County except during approved training or other approved special details. If an officer is living outside the jurisdiction of Whatcom County or requires commuting outside of Whatcom County, with the exception of resident deputies, the employee must make arrangements through the administration to house the vehicle at the station.

30.2.5 Sheriff's Office vehicles equipped with push bars/bumpers may be used in pushing disabled vehicles out of the way of traffic.

30.2.6 Jumper cables will not be used to start non-Sheriff's Office owned vehicles. All communications radios shall be turned off on both vehicles prior to initiating a jump-start for Sheriff's Office owned vehicles. On some models, it is required to have some electrical device on, such as the FM/AM radio.

30.2.7 Whenever a vehicle malfunctions, or any discrepancy is noted, the vehicle should be taken to the County Shop. The proper repair notification will be completed by the operator and left in the vehicle for the mechanic. If there is a mechanic on duty the problem will be explained to the mechanic.

30.2.8 If a vehicle should breakdown in the field, the County Shop will be called if open. A decision to tow the vehicle will be made after consulting a mechanic. If the garage is closed, consult with the shift supervisor before the vehicle is towed to the garage. Ensure the proper notification filled out.

30.2.9 It is the responsibility of the deputy to remove and secure all weapons to another location if the deputy's vehicle is left unattended by the deputy at any repair facility.

30.2.10 Gasoline purchased by personnel from private stations is limited to cases of emergency only. Exceptions will be made in cases of special authorization only or when required for special operations such as undercover work.

30.2.11 Emergency Vehicle Repairs - Vehicle repairs may be accomplished at private repair outlets only under the following circumstances:

- A. The vehicle is inoperable or in violation of traffic safety regulations (i.e. headlight, punctured tire, etc.) and the County repair facility is closed, or the vehicle is being utilized out of the area where it is impracticable to utilize the County facility.
- B. All repairs or maintenance of a major nature will be referred to the County maintenance facility regardless of circumstances.

30.2.12 Emergency vehicle repairs may be accomplished using County credit cards. The employee initiating the repair shall submit, prior to the end of his or her shift, a receipt or invoice for the service and a brief explanation of why the repair was necessary through his or her supervisor to the undersheriff.

### **30.3 OPTICOM**

30.3.1 Many of the Sheriff's Office's vehicles are equipped with an OPTICOM device. It enables authorized emergency vehicles to remotely control traffic signals. It minimizes the danger and inconvenience caused by emergency runs when operated in a prudent manner. The use of this unit is outlined as follows:

- A. The control of the intersection will be gained by the first emergency vehicle that activates the OPTICOM. It will not release control until the unit has been turned off or the vehicle has passed beneath the sensor. There is a delay built in to allow for a following patrol vehicle approaching the intersection.
- B. Fire calls will be responded to without the Sheriff's Office use of Opticom with the Fire Sheriff's Office taking priority and the Sheriff's Office assuming the supporting role.
- C. Pedestrians can be a very serious factor when intersection control is considered. Employees must be aware that the walk light for a pedestrian may show at the same time you have phased to a green light.
- D. Opticom initiation of the green light can be overrun by increasing the speed of the emergency vehicle using the device. No set speed has been determined; however you are warned not to anticipate the light changing.
- E. Lights on flash sequence will not change by the use of Opticom

- F. The use of Opticom is limited to emergency use only. The device should be left on when emergency runs are made during the daylight hours, until all lights that must be activated have been cleared. During the hours of darkness the device has a blinding effect on oncoming traffic and should be turned off as soon as it is safely possible.

30.3.2 When an emergency run has been completed and the vehicle parked, the Opticom must be turned off, particularly in any metropolitan area due to traffic disruption. The Opticom draws power from the vehicle's battery quickly and generates heat which can damage the unit or the vehicle.

## **30.4 Sheriff's Office Vehicle Collision**

30.4.1 This policy will provide for compliance with State Law requirements for reporting collisions, to provide the necessary information to the Whatcom County Prosecutor, the Whatcom County Equipment Rental Division, to the Sheriff's Office, and to provide a means for an Accident Review Board to review all collisions involving Sheriff's Office vehicles. It also sets out the procedure for investigation of collisions to insure uniformity.

30.4.2 All collisions involving Sheriff's Office vehicles and/or on duty personnel will be investigated. The Road Use Investigator and shift supervisor shall be notified as per Operation's Manual #P-038

30.4.3 When a collision occurs outside the limits of Whatcom County the authority-exercising jurisdiction will investigate the collision. This however, will not prevent the Sheriff's Office from conducting a concurrent investigation.

30.4.4 When a collision occurs within the limits of Whatcom County, the Sheriff's Office, the Washington State Patrol, or any of the city departments of incorporated areas will investigate the incident. It is preferable to have an investigation conducted by a separate agency. In non-injury, single car accidents that are non-reportable and not involving serious property damage, the supervisor may assign a deputy within the Sheriff's Office to investigate.

30.4.5 Employees involved in the collision and the investigating deputy(s) will refrain from making statements concerning liability or fault to other parties involved in the collision. Statements made to investigating authorities should be confined to factual observations.

30.4.6 When the collision is determined to be reportable under state law and involves personal injury or death to any party, the shift supervisor will notify the DSO and the Lieutenant of Patrol. The shift sergeant will also contact the road use investigator per Operation's Manual #P-038 for a concurrent investigation.

30.4.7 The County Risk Manager will be contacted when any investigation involving County employees or County vehicles is initiated as per Operation's Manual procedure #P-038.

30.4.8 All material concerning the investigation of on duty personnel involved in collisions will be forwarded to the sheriff through the chain of command.



30.4.9 It is the responsibility of the individual involved in the collision to submit an officer's report. If the individual involved is unable to do so, the shift supervisor will assign an investigator to assist and complete the report.

30.4.10 Nothing in this policy will prevent the Sheriff's Office from conducting an investigation into the manner in which Sheriff's Office employees operate Sheriff's Office vehicles.

30.4.11 After any accident involving a Sheriff's Office vehicle, the shift supervisor is responsible to ensure the vehicle is in a drivable condition prior to the vehicle being returned to service. If there is any question whether the vehicle is safe to operate, it shall be towed to the County Shop for inspection and repair.

30.4.12 If any accident is caused, or suspected to have been caused by any equipment malfunction, that vehicle shall not be driven for any reason. It shall be towed to the County Shop for inspection. No on scene testing is to be conducted using the vehicle until after inspection by the County mechanics.

30.4.13 The road use investigator or his or her designee shall be present for any testing of the vehicle towed as noted in 30.4.12.

## **30.5 Emergency Operation Training**

30.5.1 Deputies will not operate vehicles in the performance of patrol, enforcement, corrections, or transportation activities until they have completed the basic law enforcement academy training in emergency vehicle operation, or its equivalent.

30.5.2 Deputies will receive in-house emergency vehicle operation training on a yearly basis.

## **Chapter 31: Traffic Administration**

### **31.1 Traffic Function**

31.1.1 The Patrol Division, Traffic Unit, and the Road Use Deputy of the Whatcom County Sheriff's Office are responsible for the enforcement of traffic laws, investigating traffic accidents, and to direct traffic when necessary for safety concerns or because of undue congestion.

31.1.2 The Traffic Unit will have an appointed traffic coordinator at the rank of sergeant to oversee traffic reports, planning, statistical processing, and updating target areas for enforcement.

### **31.2 Traffic Record System**

31.2.1 It shall be the responsibility of the Records/ID Section of the Administration Division to maintain traffic accident and traffic enforcement data.

### **31.3 Contents of Traffic Record System**

31.3.1 Processing, maintenance, and distribution of traffic records are the responsibility of the record's specialists in the Records/ID Section. All written traffic reports are reviewed by the shift and/or unit supervisor. They are forwarded to the Records/ID Section for data entry. A copy is kept by the Records/ID section, a copy is sent to the County Prosecutor, and the original is then forwarded to the Court. Reports of reportable accidents (as defined by state law) are forwarded by the specialists to the Department of Licensing and the Washington State Patrol. Reports of non-reportable accidents (as defined by state law) are filed by the record's specialist assigned to traffic records processing.

31.3.2 Retention and distribution of traffic records will be in compliance with Washington State law.

31.3.3 Release of traffic information will be in compliance with public disclosure laws. Reasonable fees will be assessed for traffic accident reports and photographs. Any requests for public disclosure of traffic or related records shall be referred to the Records Division.

### **31.4 Traffic Report Review**

31.4.1 The record's specialist will review all traffic accident reports prior to forwarding the reports to the Washington State Patrol.

31.4.2 The unit supervisor will review all statistical data regarding traffic accidents at least monthly. He or she will use the data to assign traffic units for enforcement emphasis when warranted. The supervisor will also consult with the County Traffic Engineer to share data regarding accident frequency and causation.

## **Chapter 32: Traffic Enforcement**

### **32.1 Traffic Enforcement**

32.1.1 Deputies of the Sheriff's Office will take enforcement action when traffic violations occur in their presence, or when probable cause exists upon investigation of an accident or criminal traffic matter. Enforcement may be in the form of a written notice of infraction/citation, written, or verbal warning, or a custodial arrest for those traffic violations enumerated in RCW 46.63.020. Enforcement of other traffic laws such as parking, equipment violations, and other non-hazardous violations is encouraged as assignment and/or workload permits.

32.1.2 Supervisors will encourage and monitor their deputies in their participation in quarterly emphasis patrols as designated by the Traffic Unit.

### **32.2 Special Group Violators**

32.2.1 Non Residents - Unless a traffic law is unique to our area, no immunity should be granted to any person because that person is not a resident of this community.

32.2.2 Juveniles - Juveniles sixteen and seventeen years of age will be cited and handled as adult violators. Juveniles under the age of sixteen will not be issued traffic citations. Information regarding the violation will be forwarded to the County Prosecutors office in the form of a juvenile referral report. An attempt should be made by the deputy to inform the juvenile's parent or guardian of the violation.

32.2.3 Legislators - During the legislative session, legislators are privileged from arrest in all cases except treason, felony, and breach of the peace," (Article II, Section 16, Washington State Constitution). Legislators may be issued traffic citations and they may be taken into custody for the purpose of obtaining a breath test, but they should not be incarcerated for misdemeanor violations during the legislative session.

32.2.4 Foreign Diplomats and Consulate Officers - Foreign diplomats and consulate officers may be issued traffic notices of infractions and citations. They may also be taken into custody for the purpose of a breath test. Should a question arise as to proper protocol, the shift supervisor will contact the U.S. Department of State Operations Center at [REDACTED] (24 hours). Also see Operation's Manual #P-065.

32.2.5 Military Personnel: When a custodial arrest is made of military personnel, the arresting deputy should notify the shift supervisor who will notify the individual's home base. If this is not possible, the shift supervisor should contact the nearest base of the same service and inform them of the detention. This does not apply to the issuance of a traffic citation when an actual custodial arrest is not made.

### **32.3 Information Provided to Violators**

32.3.1 Upon issuance of a notice of infraction or citation, the deputy will inform the violator of the following:

- A. The date and location of the court for the appearance
- B. If the violation requires a mandatory court appearance, the appearance date and time
- C. Whether the motorist may be allowed to enter a plea and/or pay the fine by mail or otherwise
- D. Instruct the violator to read both sides of the notice of infraction or citation

## **32.4 Uniform Enforcement**

32.4.1 The following uniform enforcement policies regarding the below enumerated traffic violations are necessary in order to provide a consistent, fair, and reasonable approach to traffic enforcement and to promote the public acceptance of traffic enforcement:

- A. Driving Under the Influence of Alcohol/Drugs - Because of the negative impact on society by the impaired driver, it is the Sheriff's Office's policy to vigorously seek out and arrest the impaired driver with a "No Tolerance" policy on enforcement.
  - 1. Fully commissioned Sheriff's Office employees will enforce the laws regulating driving while intoxicated in an aggressive manner. Safety on the highways and of the County's inhabitants is paramount reason for the strict enforcement. While enforcing these laws the safety of the underage drinker and adult offender must be considered.
  - 2. Persons observed driving while under the influence of alcohol will be stopped and a determination made whether the person is in violation of DUI statute RCW 46.61.502. All persons determined to be DUI will be arrested. Employees are not authorized to take an offender home rather than arrest him or her, unless extenuating circumstances offer no alternative. Extenuating circumstances could involve observing a DUI while enroute to a serious crime requiring an immediate response. The shift supervisor may authorize the arrest to be turned over to other agencies.
- B. General guidelines for speed enforcement - A written or verbal warning is appropriate for speed violations that are less than 10 mph over the posted speed limit. Speeds of 10 mph but less than 15 mph over the posted speed limit may be handled by a written warning or notice of infraction. A notice of infraction should be issued for speeds of 15 mph or greater over the posted speed limit. Radar citations shall not be reduced more than one bail schedule.
- C. Other Hazardous Violations - Deputies will take enforcement action upon witnessing traffic violations of a possible or actual accident causing nature.
- D. Equipment Violations - Normally, verbal warnings will be issued for equipment violations.
- E. Public Carrier/Commercial Vehicle Violations.
  - 1. Local Transit and School Busses - If a local transit or school bus is stopped for a violation, the deputy will obtain the driver's name, inform him or her of the violation, and note the vehicle license number. If a citation is to be issued, inform the driver that you will contact him or her at a later time when the bus schedule will not be interfered with.

2. Public Carriers Not Local - Public carriers from outside the area may be detained in order to issue a notice of infraction to the driver.
  3. Commercial Vehicles - Routine enforcement of commercial vehicle laws is the responsibility of the Washington State Patrol and/or the Road Use deputy.
- F. Non-Hazardous Violations - Deputies are encouraged to work non-hazardous violations as assignment and work load permits.
  - G. Multiple Violations - No more than two violations will be written on one citation form and no more than three violations can be written on the notice of infraction form. Infractions and misdemeanors will not be cited on the same form. All traffic violations arising from the same incident should be cited into the same court.
  - H. Newly Enacted Laws and/or Regulations – Normally, a period of public information and/or warnings will take place before written citations are issued regarding newly enacted laws and/or regulations. The procedure for enforcement on new regulations will normally be passed on with the notification of the changes from the Lieutenant of Operations.
  - I. During vehicle accident investigations, an infraction/citation should be issued if such violations caused or were contributory to the cause of the accident. Enforcement may be completed at the scene or by issuance of a summons at a later time.

32.4.2 Officer discretion is an important consideration in all traffic enforcement. Officers may or may not elect to cite for violations based on the circumstances. The above policies are meant to be guidelines to generally be followed. Circumstances may be known to the officer in a specific situation that would dictate deviating from the above stated policies. The main purpose of traffic law enforcement is the changing of driver behavior. The deputy on scene is in the best position to determine which type of enforcement action will best accomplish this objective.

## **32.5 Emergency Equipment**

32.5.1 The use of emergency equipment by Sheriff's Office employees shall be in compliance with RCW 46.61.035.

32.5.2 When stopping a traffic violator a spotlight may be used for illumination of the violator's vehicle, after the violator has come to a complete stop.

32.5.3 Overhead emergency lights and/or hazard lights will normally be left on during a traffic stop.

## **32.6 Reports**

32.6.1 Traffic citations, arrest, accident, and all other supplemental reports will be completed and turned in to the shift supervisor before deputies go off shift. Following approval by the shift supervisor, the above reports are turned in to the Records Section for proper dissemination.

## **32.7 Contact with Violators**

32.7.1 Stopping Traffic Violators - When stopping traffic violators, deputies shall attempt to adhere to the following procedures:

- A. Deputies shall attempt to select a safe area for the stop, taking into consideration the safety of the deputy, violator, passing pedestrians, and other vehicles and the ability to allow the unrestricted flow of traffic.
- B. Deputies shall attempt to complete all radio communications prior to the stop, minimally giving dispatch violator vehicle license number and their location if practical. See Operation's Manual #DI-001.
- C. Deputies shall use appropriate techniques for signaling the violator to stop, keeping in mind the violation, the time of day, and the environment.
- D. Deputies shall position their patrol vehicle to protect themselves, the violator, and the violator's vehicle from the normal flow of traffic.
- E. Deputies shall use appropriate emergency equipment to adequately alert other drivers of their presence.
- F. Deputies shall approach the violator's vehicle with caution utilizing accepted survival techniques, paying particular attention to traffic flow, violator vehicle interior, other occupants, and the violator's actions.
- G. Deputies shall attempt to position themselves in a tactically sound location as circumstances dictate during violator contact.
- H. Deputies shall use appropriate interview techniques when contacting violators, keeping in mind that the goal of violator contact is to change driver behavior and not to punish or belittle him or her. Deputies shall remain calm and display a professional demeanor at all times during traffic violator contacts.

## **32.8 Speed Measuring Devices**

32.8.1 Deputies will not operate traffic radar or other speed measurement devices until they have completed the Sheriff's Office's radar instruction class, or its equivalent, and have had practical experience supervised by a qualified radar operator or equivalent. The training officer will maintain a list of deputies qualified to use traffic radar or other speed measuring devices.

32.8.2 The operation of radar or other speed measuring devices will be in compliance with the manufacturer's recommendations and Sheriff's Office instruction performed by State certified instructors.

32.8.3 Any malfunction of a radar or other speed measuring device will be brought to the immediate attention of the shift supervisor and the Traffic Unit Supervisor.

32.8.4 Routine maintenance and certification of radar units and other speed measuring devices will be done before a new radar unit or other speed-measuring device is placed into service, and at least every year for existing units.

32.8.5 The Traffic Unit Coordinator will maintain all radar or other speed measuring device maintenance logs, calibration, and certification records. He or she will also maintain at least two radar manuals or two manuals for other speed measuring devices for each such unit the Sheriff's Office uses. The Traffic Coordinator will ensure that all radar devices or other speed measuring devices are properly maintained and certified in accordance with this policy.

## **32.9 Traffic Citations**

32.9.1 Deputies will obtain Notice of Infraction/Citation books from the record's personnel assigned to issue them. The return receipt on each book will be updated, signed, and returned to the record's specialist by the deputy taking possession of the book. Each citation is to be accounted for by the deputy. Discrepancies will be explained in writing to the record's specialist so that a proper notation can be logged. After hours, supervisors shall issue the books if necessary and deputies will place the completed return receipt in the traffic box. The issuance and use of infractions and citations by Sheriff's Office employees shall be in compliance with RCW 46.64.010.

32.9.2 Deputies will not issue citations or infraction notices if a subject cannot or will not provide satisfactory identification or cannot be identified by other means. The subject will be detained while a reasonable attempt is made for identification. If identification is not certain, the shift supervisor shall decide the disposition of the case.

## **Chapter 33: Traffic Accident Investigation**

### **33.1 Traffic Accident Reports**

33.1.1 Deputies must complete a State Police Traffic Collision Report on all reportable accidents as defined by the State of Washington in RCW 46.52.030 and 46.52.070. Specifically, deputies shall respond if dispatched to all death or injury accidents, property damage accidents as specified in 46.52.030, all hit and run accidents regardless of damage, accidents involving impaired drivers due to alcohol or drugs, and all accidents involving hazardous materials unless such accidents are to be handled by another agency.

33.1.2 An offense report face sheet is necessary for all hit and run accidents. If additional pages are needed, use an offense report narrative sheet. If the hit and run is not reportable, a notation should be made that the accident is "Non-Reportable, Do Not Submit", in the upper right corner of the form so records does not submit the report to the State. An offense report face sheet and supplement should also be filled out.

33.1.3 Arrests as a result of a traffic accident require offense reports to be completed.

### **33.2 Traffic Fatalities/Vehicular Homicide**

33.2.1 It is the policy of the Sheriff's Office that whenever a traffic collision results in death or there is reasonable cause to believe that injuries sustained are likely to cause death as a result of the incident, the case will be immediately turned over to the Washington State Patrol for investigation. If the incident occurred on a County road or there is other Whatcom County involvement, the shift supervisor will assign a deputy to investigate the incident to determine if there is any County accountability or liability. See the Road Use Investigator callout procedure in Operation's Manual #P-038.

33.2.2 The responding deputy will notify the shift supervisor of the serious nature of the incident. The shift supervisor will notify the Washington State Patrol, while the responding deputy takes charge of the Sheriff's Office's investigation until the shift supervisor has assigned the investigation to the Road Use Investigator.

33.2.3 The shift supervisor has the authority to initiate a thorough investigation that will include videotape of the collision scene including vehicles and occupants, still photographs, measurements, searches, statements, blood and urine tests, and the activities of the driver(s) and others involved prior to the incident.

33.2.4 The shift supervisor will make the necessary contacts with the Road Use Investigator and the County Prosecutor Risk Management Specialist for their response as reference in Operation's Manual #P-038.



33.2.5 It is the responsibility of the shift supervisor and/or the Traffic Unit Supervisor to ensure that all breath, urine, and blood samples are taken in accordance with the State's approved procedures when the investigation is conducted by the Sheriff's Office.

### **33.3 Deputy Response**

33.3.1 Deputies will respond to all reportable accidents as defined in the RCW. In addition, deputies will respond to all accidents where there is impairment of an operator due to alcohol or drugs, damage to public vehicles or property, school bus involvement, a disturbance between the principals, accidents on private property, or major traffic congestion as a result of the accident.

### **33.4 Enforcement Actions**

33.4.1 If an accident reveals probable cause to believe a traffic infraction or criminal violation occurred, the investigating deputy should issue a citation to the violator(s).

33.4.2 If an emergency vehicle belonging to a public agency is involved, the driver will not be cited for an infraction. Information regarding the accident will be forwarded to the driver's agency for an internal review. Any disciplinary action will be the responsibility of the driver's agency. Any enforcement action will be coordinated between the Sheriff's Office Staff, Whatcom County Prosecutor, and the driver's agency.

33.4.3 During vehicle accident investigations, an infraction/citation should be issued if such violations caused or were contributory to the cause of the accident. Enforcement may be completed at the scene or by issuance of a summons at a later time.

33.4.4 Enforcement action should be taken when probable cause exists to issue an infraction/citation when vehicular accidents are involved. Discretionary powers as mentioned in 32.4.2 are in effect. However, due to the greater scrutiny paid to violations where property damage or injuries are a result, a higher standard of consistency in enforcement is demanded. Discretion may be considered in accident enforcement but must be exercised carefully and must accompany specific justifiable reasons why enforcement action wasn't taken.

### **33.5 Private Property**

33.5.1 Deputies will respond to and report accidents on private property. State guidelines will be followed in reporting private property accidents. A minimum of an incident report will be submitted for such calls in the event the officer is later required to appear before a civil court and testify as to his or her observations.

### **33.6 Accident Scene Procedures**

33.6.1 Deputies arriving at an accident scene will first take whatever action is immediately necessary to protect further persons from being injured. The next responsibility is to determine if there are any injuries to the principals and to render first aid within their abilities until relieved by fire or medical personnel. After the scene is stabilized, deputies should take whatever actions are necessary to render

the scene safe, and to conduct an investigation and to redirect or promote the flow of traffic. Statements from drivers, passengers, and witnesses should be obtained as soon as possible during the investigatory stage.

33.6.2 If a fire hazard or hazardous materials are involved, the deputies will clear citizens to a safe distance and summon the Fire Department. In all cases where hazardous materials are found, the responding deputy should also request the shift supervisor to notify the Emergency Management Division of the Sheriff's Office.

33.6.3 Accidents classified as "non-reportable" or that involve hazardous materials or fire will be reported on an offense report.

## **Chapter 34: Traffic Direction and Control**

### **34.1 Traffic Direction And Control Function**

34.1.1 Due to accidents, hazards, and other emergency situations, it may be necessary for deputies, other Sheriff's Office employees, and/or volunteers to assist vehicles and pedestrians by manually controlling traffic. In these cases, all care must be taken for the safety of the person conducting traffic control. If the traffic control person is not a deputy, but is under the direction of a deputy, it is necessary the deputy make it clear to the person what their role is and how to complete the task given in a safe manner.

34.1.2 In the case of special events, or other such non-emergency incidents, the employee, reserve, or other volunteer must be trained according to state standards and comply with all requirements for traffic control.

34.1.3 Manual traffic control will be accomplished with consideration for the safety of the deputy, other employees, victims, and/or volunteers at all times.

34.1.4 Employees and volunteers conducting manual traffic control, not in an emergency situation, must be properly trained and wear high visibility clothing as outlined in State guidelines.

### **34.2 High Visibility Clothing**

34.2.1 Employees and volunteers shall wear a reflective safety vest when directing traffic in a traffic lane according to State guidelines. In an emergency situation, an employee/volunteer is not required to don a vest until the scene has been stabilized and the officer's main concern is traffic control.

34.2.2 Reflective safety vests will be issued to all employees and volunteers who may become involved with manual traffic control. Each vehicle shall be equipped with two vests.

34.2.3 If an officer is not directing traffic but merely investigating the scene, the vest need not be worn. However, the officer must remain conscious at all times of the hazards presented in working at active traffic accident scene where traffic continues to flow.

### **34.3 Escorts**

34.3.1 Public service escorts are authorized at the discretion of the shift supervisor.

34.3.2 If possible, public service escorts should be coordinated through the Traffic Unit Supervisor in advance of the event, and the chief criminal deputy should be notified.

34.3.3 In public escorts requiring manual traffic control, deputies and volunteers must follow State guidelines for manual traffic control and this manual as it pertains to high visibility clothing.

### **34.4 Roadblocks**

34.4.1 Roadblocks used in pursuits are covered in the Sheriff's Office's Vehicle Pursuits policy.

34.4.2 Roadblocks that are set up to detect suspects/victims under circumstances that do not constitute a pursuit (example: a kidnapping in a neighborhood where the victim was seen to be placed into the trunk of a car of unknown description where the police set up a roadblock on the major arterials leading from the neighborhood) are permitted under the following circumstances:

1. Roadblocks may be set up in an area if the deputy has probable cause to believe that a serious felony has been committed and that the roadblock presents a reasonable likelihood of success in view of the time elapsed since the crime, the existence of alternate paths of escape, and reliable information concerning the direction of the suspect's flight.
2. The roadblock is reasonably necessary to permit a search for the perpetrator or victim of such a felony in view of the seriousness and special circumstances of such a felony.
3. Deputies may stop and may search all vehicles stopped at the roadblock to the extent necessary to accomplish a search for the suspect or victim.
4. The roadblock must be set up as promptly as possible under the circumstances.

## **Chapter 35: Traffic Ancillary Services**

### **35.1 Emergency Assistance**

35.1.1 It shall be the policy of the Sheriff's Office to offer reasonable assistance at all times to the stranded motorist. Deputies will be watchful for stranded and distressed roadway users and will assist them to the best of their resources and ability.

### **35.2 Civilian Escorts**

35.2.1 Deputies or correction's officers are not to use Sheriff's Office vehicles in lieu of an ambulance except under the most extreme emergency conditions. Any such incident shall be by approval by the shift supervisor whenever possible.

35.2.2 Under no circumstances will Sheriff's Office vehicles be used to escort civilian vehicles in medical emergencies.

### **35.3 Hazardous Highway Conditions**

35.3.1 When any hazardous road condition(s) come to the attention of a deputy such as traffic light malfunction, stop sign damaged or missing, pot hole, street light out, oil on the road, debris, etc., the deputy will notify dispatch immediately. Dispatch will notify the responsible agency. If the hazard is a serious public safety concern such as a missing stop sign, the deputy will notify the shift supervisor and will stand by until such hazard has been abated.

### **35.4 Hazardous Materials**

35.4.1 The Fire Department and the Washington State Patrol (WSP) are responsible for hazardous material control and removal. Deputies will notify the Fire Department and WSP immediately anytime an incident involving actual or suspected hazardous materials occurs. The Emergency Management Division of the Sheriff's Office should also be notified.

### **35.5 Abandoned Vehicles/Impound Of Vehicles**

35.5.1 It is the policy of the Sheriff's Office to ensure that the impounding of vehicles is in compliance with the laws and local regulations which govern such actions, in order to protect the public from unwarranted interference in their activities, and to ensure that the public streets are not used to store unauthorized vehicles. This applies generally to all unauthorized vehicles, other than those acquired by or sold to a hulk hauler or registered disposer for resale as junk or scrap.

35.5.2 Vehicle impounds for abandoned vehicles will be conducted as prescribed in the Impound Procedure in the Operation's Manual #T-002. For impounds of vehicles left at accident scenes, see #T-003.

## **35.6 Towing**

35.6.1 Towing of vehicles by Sheriff's Office employees will follow applicable State law and Sheriff's Office policy where specified. An impound form will be completed and distributed as a record of the tow. See Operation's Manual #T-011 for the full impound procedure and #T-012 for testimony at impound hearings.

## **35.7 Junk Motor Vehicle Inspections**

35.7.1 Requests for junk motor vehicle inspections will be handled pursuant to the Hulk Vehicle procedure as listed in the Operation's Manual #T-010.

35.7.2 Deputies will inspect and certify junk motor vehicles in accordance with RCW 46.55.010 (4) and RCW 46.55.230.

## **Chapter 36: Sheriff's Office Information**

### **36.1 Records Integrity**

36.1.1 Access to Whatcom County Sheriff's Office records is restricted to commissioned personnel on a need to know basis and to Records/ID Section personnel. The Records/ID Section supervisor is responsible for maintaining the integrity of the Sheriff's Office's records.

36.1.2. All records check requests will be done by Records/ID Section personnel insofar as practical. Commissioned employees may access records with approval from the supervisor.

36.1.3 Dissemination of record's information will be limited to authorized criminal justice user agencies. In the event that doubt exists as to the requesting source, the request must be made in writing on official letterhead or by teletype.

36.1.4 Accessing information in the computer system will be accomplished by those personnel that have an authorized access code to log into the system.

36.1.5 Maintenance, retention, dissemination, and destruction of records shall be done following applicable Washington State Laws and procedures.

36.1.6 Access to record's information via radio or telephone line must be protected to maintain the confidentiality of the restricted information. This protection must be via encryption, firewall protection for the computer system, password access, or a combination of these technologies.

### **36.2 Washington Crime Information Center**

36.2.1 The Sheriff's Office maintains full participation in the Washington Crime Information Center and the National Crime Information Center. The Whatcom County Sheriff's Office maintains a direct link with the center. We provide the equipment and pay a monthly line fee for the access.

### **36.3 [Canceled]**

### **36.4 Washington Uniform Crime Reporting**

36.4.1 The Sheriff's Office maintains full participation within the Washington Uniform Crime Reporting Program.

### **36.5 Event Reporting System**

36.5.1 The Sheriff's Office has an established policy on the reporting system and its use. It defines when employees are expected to write reports, what types of reports are to be written, documentation of reports, and flow process of reports. See the Operation's Manual Report Writing Procedure #P-031.

36.5.2 Employees in the field and their supervisors are responsible for the decision as to whether reports concerning a particular event are required. See the Operation's Manual Report Writing Procedure #P-031.

36.5.3 If an arrest is made for minor in possession of alcohol, the information about the offense should be placed on the back of the citation. The event number must be placed on the citation. If the citation is related to a complaint, the original offense report must reference the citations that were issued.

36.5.4 These decisions will be closely monitored by shift supervisors. The shift supervisor may direct a deputy or corrections officer to write a report on any matter.

36.5.5 Event slips will be written by dispatchers at the Dispatch Center.



## **Chapter 37: Collection and Preservation of Evidence**

### **37.1 Evidentiary Items**

37.1.1 It is the duty of all employees to care for, control, and correctly process all evidence or property that may come into their possession in the course of their official duties. Employees shall in every instance place all property obtained in the course of their official duties in the Sheriff's Office's property system before going off duty.

37.1.2 In no instance shall an employee store property in a personal locker or other unauthorized location.

37.1.3 Employees shall prepare a report describing how, when, where, and what he or she came into possession of with regards to property. The employee will also complete an Impound Property Report.

37.1.4 Upon completion of the Impound Property Report the employee will remove the yellow copy and submit it with the offense report. The employee will also prepare a property tag and attach it to the property item.

37.1.5 The employee shall place small property items that are tagged and bagged into the receiving lockers provided by the Sheriff's Office.

37.1.6 Employees shall deposit large items into the evidence system per the Operation's Manual guidelines.

37.1.7 All explosives, except firecrackers and ammunition, will not be impounded in the Property Section. The range officer or an assistant will be called for the storage of such items.

37.1.8 Please see Operation's Manual #EV-001, EV-002, and EV-003 for all evidence handling procedures as they apply to patrol operations.

37.1.9 Please see the General Evidence Handling Procedure Handbook for all evidence handling procedures as they apply to evidence handling personnel.

### **37.2 Evidence Controls**

37.2.1 The Sheriff's Office's Records/ID Section will whenever practical utilize the bar code system and devices for recording and classifying property.

37.2.2 Property may be temporarily withdrawn from the property storage area for the following reasons:

- A. Intra-agency reasons (purposes of identification)
- B. Inter-agency reasons (laboratory examination, court)

- C. In those special circumstances when property is withdrawn for the Sheriff's Office or another agency's use for an ongoing investigation, written authority from a staff employee is required.

37.2.3 In the event property is withdrawn for inter-agency purposes, the Records/ID Section clerk shall prepare a Property Transfer form for items of property withdrawn. The form will be completed with the Sheriff's Office event number, the name of the person withdrawing the property, the destination of the property, the impound/bar code numbers, and the description of the property.

- A. The Property Transfer form shall accompany the property to its destination. The person to whom the property is delivered shall sign the form before the property is released.
- B. The signed Property Transfer form shall be returned to the Records/ID Section by the employee before the end of the workday.
- C. The Records/ID Section clerk shall attach the returned, signed Property Transfer form to the back of the Impound form.

37.2.4 Only the employee assigned to investigate a case or an employee authorized in writing by that employee is permitted to withdraw property.

37.2.5 To withdraw property an employee of the Sheriff's Office shall sign his or her name on the back of the Impound Property Report next to each item that is being withdrawn.

37.2.6 The Records/ID Section clerk shall note in the space provided on the back of the Impound Property Report the item number, destination, date, time, and shall sign his or her name beside each item that is withdrawn.

37.2.7 Property that is withdrawn from the property storage area and not kept at its destination shall be returned to the property system as follows:

- A. When the Records/ID Section clerk is present, the person returning the property shall sign his or her name in the space provided on the back of the Impound Property Report form. The property controller shall countersign for each item returned.
- B. When the Records/ID clerk is absent, the person returning the property shall place it in the receiving lockers.

### **37.3 Procedures Applicable To All Methods Of Property Disposal**

37.3.1 The employee handling the case may authorize the disposal of property when no charges were filed.

37.3.2 The Whatcom County Deputy Prosecuting Attorney in the case may authorize the disposal of property.

37.3.3 The property may be disposed of upon receipt of the disposition of the arrest and or court action.

37.3.4 When there are two or more defendants in a case, property shall not be disposed of until all defendants' trials have been concluded.

37.3.5 Property shall not be disposed of until the period for appeals has closed and all appeals have been concluded (Rules of the Court, Rule 5.2: 30 days).

37.3.6 The Records/ID Supervisor may authorize disposal at the end of the time period established by law for holding the particular item.

#### 37.3.7 Authorized Methods of Property Disposal

- A. Return to owner (RCW 63.32)
- B. Return to finder (RCW 63.21)
- C. Sale (RCW 63.32) (RCW 9.41)
- D. Agency or Other Public Use (RCW 63.32) (RCW 9.41)
- E. Destruction (RCW 63.32)

37.3.8 No property item shall be released without the signature of the person receiving the property.

### **37.4 Inventories and Audits**

37.4.1 Whenever a new Records/ID Supervisor is designated, an inventory of property will be completed. This inventory will ensure that the records are correct and properly annotated. The inventory will be conducted jointly by the newly designated Records/ID Supervisor and the outgoing Records/ID Supervisor.

37.4.2 The undersheriff shall at least annually conduct an unannounced audit of the evidence and property function. The undersheriff may use assistance from outside the Sheriff's Office when necessary to insure the objectivity of the audit.

37.4.3 Unannounced inspections of the property storage areas are conducted by the State Auditor.

### **37.5 Security**

37.5.1 The evidence storage areas of the Sheriff's Office shall be secured during all non-business hours and during business hours when Records/ID Section personnel are absent.

37.5.2 Except as provided in Policy 37.6, entry into the evidence storage areas shall only be made under the supervision of Records/ID personnel. All personnel entering the evidence storage area must log in and log out with date, time, and signature on the Evidence Room Log provided at each location. The log in procedure will not apply to personnel assigned to work in the evidence room as part of their normal duties.

37.5.3 One complete set of keys to the main property room, supplemental property room, all temporary storage lockers and the alarm system, shall be assigned to the Records/ID supervisor, and one full set to the Lieutenant of Services.

37.5.4 One complete set of duplicate keys shall be placed in an envelope that is sealed and kept by the sheriff in his or her safe.

37.5.5 Duplication or possession of the keys that are assigned to property controllers is prohibited unless authorized in writing by the sheriff.

37.5.6 Locks and combinations to the property storage areas and the alarm system shall be changed whenever the Records/ID Section personnel are reassigned.

37.5.7 Any entry into property storage areas in the absence of the Records/ID Section requires an incident report to be filed. This report will include the date, time, circumstances and justification or authorization for entry into the storage area. The report will include the supervisor who witnessed the entry, and a detailed description of actions taken while these persons were in the storage area.

37.5.8 All evidence storage areas shall be alarmed and/or monitored on a 24-hour basis to maintain evidence integrity. The alarms are audible with phone line intrusion warnings sent to dispatch. All activations or incidents of the property storage area alarm system alerts require a report that will include the date, time, and circumstances causing the alarm.

37.5.9 Items of high value or high risk such as controlled substances, cash, and jewelry will be kept in a separate secure location within the evidence storage area. This may consist of a safe, security fencing, or a separate locked room within the evidence storage area.

## **37.6 Emergency Entrance Into Secure Areas Of Evidence**

37.6.1 Ordinarily there is no reason for an unauthorized person to enter the secure areas of the Records/ID Section and evidence storage areas. However, from time to time there may be an emergency that makes entry necessary and warranted. A staff employee will make the decision as to whether the emergency warrants entry.

37.6.2 The key to this area is kept in the sheriff's safe. It will be logged out and back in.

37.6.3 A staff employee will be present during entry into the area, along with a shift supervisor if one is available.

37.6.4 A full report will be filed with regards to the entry and actions taken therein.

## **37.7 Evidence and Property**

37.7.1 Evidence is property which may be related to a crime or which may implicate or clear a person of a criminal charge.

37.7.2 Found property is that non-evidentiary property which, after coming into the custody of the Sheriff's Office, has been determined to be lost or abandoned. This property is not known or suspected to be connected with any criminal offense.

37.7.3 Property held for safekeeping is that non-evidentiary property which is in the custody of the Sheriff's Office for temporary protection on behalf of the owner.

### **37.8 Conversion, Destruction Of Evidence/Property**

37.8.1 Employees will not, under any circumstances, convert to their own use, loan, or give away any item of property or evidence coming into their possession in the course of their official duties. Nor will they destroy any such property or evidence without proper authority. Any instance of conversion or destruction will be grounds for disciplinary action.

### **37.9 Processing Evidence/Found Property**

37.9.1 When employees take possession of evidence or found property in the course of their duties, they will retain it in their possession and will check it into the property room facilities as soon as possible, but always by the end of their on duty work shift.

37.9.2 When processing evidence, employees will keep that evidence secure and in good condition and free from damage. Employees will take all necessary steps to maintain the chain of evidence for all evidence with which they deal.

37.9.3 When checking evidence and property into the property room facilities, employees will properly tag all items for identification. They will also complete any and all necessary forms associated with the item(s) being checked into the property system.

37.9.4 A complete description of items will be included on property impound forms where called for.

### **37.10 Perishable Evidence**

37.10.1 Employees who have the opportunity to collect perishable evidence will do so according to the prescribed and/or adopted methods. If employees do not have the expertise to handle perishable items, an employee of the Sheriff's Office with the expertise (shift supervisor, records/ID supervisor, or an employee specialist) will be consulted as to the proper handling techniques.

### **37.11 Firearms As Evidence**

37.11.1 All firearms involved directly or indirectly in the commission of a crime must be handled so as to preserve any possible evidence. All firearms should be treated as if they were loaded. To insure proper chain of evidence and to eliminate the possibility of accidents, the number of employees handling firearms should be limited.

37.11.2 All firearms shall be turned into the property room. Weapons will be impounded and tagged in the usual manner on the proper forms. Firearms should be unloaded prior to placing them in evidence.

If a firearm remains loaded for some reason, both the evidence tag and the property impound sheet will be marked as follows; "DANGER LOADED WEAPON". The weapon should be placed in the evidence bin in such a way that the barrel is not pointing into the evidence room where the evidence technician will normally be when the weapon is removed.

### **37.12 Property and Evidence Release**

37.12.1 All property and/or evidence may be claimed at the Whatcom County Sheriff's Office by appointment only. The normal business hours are 8:30 am to 4:30 p.m. Property may be picked up or released at other times, but only by prior arrangements with the Records/ID Supervisor. All property will be signed for by the receiving party.

### **37.13 One-Party Consent Recording Authorization**

37.13.1 The Omnibus Bill of 1989 (SHB 1793) has a provision allowing for the tape recording of certain conversations involving the sale and distribution of narcotics and for law enforcement personnel safety. The ability to conduct these types of recordings is very important in the investigation of illegal narcotics trafficking. The purpose of this policy is to insure that the recordings are made in accordance with the provisions of State law and to set forth a mechanism to obtain authorization.

37.13.2 One-party consent recordings should be used in every case where an authorization is possible. The recordings of conversations with those dealing in narcotics provides the best evidence and recordings should be obtained whenever possible.

37.13.3 In every case where there is a reasonable suspicion that the employee or agent involved may be placed at risk, a one-party consent authorization will be obtained and the conversation will be monitored to ensure the safety of the employee and/or agent.

37.13.4 All requests for authorization to obtain a one-party consent recording will be made to the Unit Supervisor. The supervisor will review the request for legal sufficiency.

37.13.5 If there are no exigent circumstances, the supervisor and the requesting deputy will contact the prosecuting attorney or one of the deputy prosecutors for review of the probable cause. If the prosecuting attorney or a deputy concur that probable cause exists, a notation will be made in the case file that the consultation was made and the results of the consultation. Each request for authorization of one-party consent recordings shall be signed by the authorizing prosecuting attorney and the unit supervisor.

37.13.6 The supervisor and the requesting deputy will contact the sheriff, the undersheriff, the chief criminal deputy, or their designee to obtain an authorization for a one-party consent recording and transmission.

37.13.7 If there is not sufficient time available, the supervisor may contact a staff employee for authorization without consultation with the prosecuting attorney. The supervisor will advise the staff employee that the consultation was not made and the reason for the exigent circumstances.

37.13.8 The requesting deputy and his or her supervisor will provide the authorizing staff employee with the completed authorization for signature or will provide the staff employee with the information necessary to complete the authorization.

37.13.9 All authorizations for one-party consent recordings and transmissions will be filed with the case report. A copy of the authorization will be forwarded to the Detective Section supervisor. The Detective Section supervisor is responsible for filing all the necessary reports with the Superior Court and the Administrator for the Courts. These reports will be completed at the direction of the Detective Section supervisor, reviewed by the chief criminal deputy, and forwarded to the sheriff for signature.

37.13.10 If a tape recording detailing the probable cause is made, the tape recording will be impounded into the Sheriff's Office's Records/ID Section. A copy of the transcript will be kept with the authorization.

### **37.14 Seizures and Forfeitures under RCW 69.50.50**

37.14.1 It is the policy of the Sheriff's Office in matters involving seizure and forfeiture of properties under the Uniform Controlled Substances Act, Chapter 69.50 RCW, that the Sheriff's Office will actively pursue the avenues provided by the law to seize such properties.

37.14.2 When any deputy believes that property is eligible to be seized for forfeiture under this act, the deputy will notify his or her supervisor. The supervisor will contact the undersheriff who will determine if such seizure for forfeiture will be made.

37.14.3 If the undersheriff is not available, the deputy will contact the chief criminal deputy, and if he or she cannot be contacted, the Duty Staff Officer will be called.

37.14.4 When a seizure for forfeiture has been made the undersheriff shall notify the Records/ID Supervisor who shall:

- A. Notify the sheriff and secure his or her signature on the Notice of Forfeiture
- B. Within ten days of the seizure of a conveyance (vehicles, aircraft, or vessels) cause to be served, the Notice of Forfeiture
- C. Within fifteen days of the seizure of all other property, (not conveyances) shall serve or cause to be served, the Notice of Forfeiture
- D. Keep a case file with all information relating to the seizure/forfeiture
- E. Notify and assist the County Prosecuting Attorney with each of the forfeitures
- F. At the end of forty-five days from the Notice of Forfeiture cause the seized property to be forfeited

### **37.15 Participation In Criminal History Records Information (CHRI) System**

37.15.1 The Sheriff's Office maintains full participation within the State fingerprint/criminal history records system.



## **Chapter 38: Custodial Care Standards**

### **38.1 Custodial Care Standards And Certifications**

38.1.1 The operation and maintenance of the Whatcom County Jail is the responsibility of the Whatcom County Sheriff's Office's Corrections Division which operates the Jail in accordance with all applicable Federal, State, and County laws and regulations.

38.1.2 The Jail is governed by Federal and State Law, as well as the Custodial Care and Physical Plant Standards that are embodied in the Whatcom County Code. The Jail's operations are also governed by the Sheriff's Office Policy and Procedures Manual and the Jail's Policy and Procedure Manual. The Jail is accredited by the National Commission on Correctional Health Care and approved for use by the U.S. Department of Justice.

### **38.2 Inspections**

38.2.1 The Jail is inspected daily by the Sheriff's Office chief of corrections and/or his or her designee. Random inspections of the Jail are made by the sheriff or his or her designee. sheriff's Inspection Reports are provided to the chief of corrections and a copy placed in the Sheriff's Office's files. The Jail is inspected annually by the U.S. Immigration and Naturalization Service and the U.S. Marshal's Office. The Jail is also inspected by the National Commission on Correctional Health Care.

### **38.3 Personnel**

38.3.1 All Correction's Officers are certified by the Civil Service Commission of Whatcom County. All correction's officers receive special training and are in the same status as other commissioned Sheriff's Office employees while on duty. All correction's officers receive ongoing training while Sheriff's Office employees.

## **Chapter 39: Communications**

### **39.1 Use of Telephone**

39.1.1 All emergency calls for service within Whatcom County are accessed through an area wide 911 communications network which is administered by the Bellingham Police Department and the What-Comm governing board comprised of employee agencies.

#### 39.1.2 Internal Office Phone Procedures

- A. The telephone is the primary means by which the public requests the services of the Sheriff's Office. For this reason, all incoming calls will be answered promptly to determine if a need for Sheriff's Office services exists.
- B. Employees will conduct telephone conversations in a courteous manner and will attempt to see that the caller receives any and all Sheriff's Office services that are needed.
- C. No employee will charge personal long distance telephone calls to the County.

39.1.3 Voice Mail - Employees have been issued a voice mail box to facilitate timely and efficient transmittal of information from the public and the Sheriff's Office. Voice mail is considered an official publication of the Sheriff's Office. All employees are responsible to have the skills necessary to send and receive messages and are responsible to be familiar with the contents of messages left for them. The following procedures apply to all employees issued voice mailboxes.

- A. Administration of Voice Mail - The Sheriff's Office's Administrative Assistant is responsible for the administration of and training on the Sheriff's Office's telephones system including voice mail.
- B. Voice Mail Greetings - All employees issued voice mail boxes will record a greeting. Unless otherwise authorized, the greeting will be in the employee's own voice and will be professional in nature. The greeting shall include the employee's name, unit assignment, and a brief message requesting the person calling to leave a message. Certain employees may be required to update greetings on a daily basis. All employees with voice mail are required to activate a message indicating their absence and expected date of return if they are expected to be absent more than four days (including the weekend).
- C. Checking for Messages and Timely Response - Voice mail boxes have been established, in part, to allow employees who are not on duty or are away from their desks to receive messages without another employee being required to record and transmit paper. While the use of voice mail increases efficiency, it can also lead to frustration on the part of the public and Sheriff's Office employees if mail boxes are not regularly checked and/or messages responded to in a timely manner. All employees who have voice mail boxes are required, at a minimum, to check for messages once during their work shift, and when advised of existing messages. Preferably, the check should be made at the beginning of shift or as soon as is practicable to the beginning

of the shift. Employees who have individual telephone instruments which act as voice mail boxes are responsible to check messages as indicated by their message light. Employees are responsible to respond to messages that necessitate a response in a timely manner.

- D. Sending Messages - Any employee may transmit appropriate information by voice mail to another Sheriff's Office employee or to other county employees. The employee sending the message should identify themselves and be as brief as possible. All messages must be professional in nature and must not contain inappropriate, lewd, or offensive language or be such in nature.
- E. Voice mail is an official publication of the Sheriff's Office and is not considered private. Information is stored digitally and in some cases is retrievable. Employees are cautioned that any information entered into voice mail could be retrieved per county policy.

## **39.2 Communication System**

39.2.1 The Sheriff's Office uses the What-Comm Dispatch Center for the communications system which is essential to the Sheriff's Office's accomplishment of its mission. The effective and rapid delivery of service to the public is the shared goal of all employees. The purpose of this section is to touch on key areas in the What-Comm Dispatch Center operations. This system provides the Whatcom County Sheriff's Office with 24-hour emergency phone communications for the public and law enforcement use, 24-hour radio communications for deputies in the field, and 24-hour Teletype and automated data communications.

39.2.2 Teletype and automated data communications are provided both by the What-Comm Dispatch Center and the Records/ID Bureau within the Sheriff's Office.

## **39.3 Common Procedures**

39.3.1 [Canceled]

39.3.2 All deputies shall have the capability of communication using the radio system. The system covers the entire county through the use of a voter repeating reception. Besides the common dispatch frequencies located on the high band and the low band, officers also have scanning capability to cover the surrounding jurisdictions and the LERN system. Each deputy is issued a personal portable multi-channel scanning portable for communications purposes when away from the assigned vehicle.

39.3.3 Radio broadcast of criminal history information, booking information, and citation information should be limited.

39.3.4 – 39.3.5 [Canceled]

39.3.6 Employees will promptly answer all radio calls from dispatchers.

39.3.7 [Canceled]

39.3.8 Should the shift supervisor choose to override the dispatcher's judgment, the shift supervisor shall assume full responsibility for the response to all incidents within the affected area until control reverts to the dispatcher. The selection of methods and tactics to be used in the resolution of any single incident remains with the individual employees in the field and their supervisors.

39.3.9 - 39.3.11 [Canceled]

39.3.12 Violations of radio procedures or causes for complaint from dispatchers or field units shall be reported to the complainant's supervisor and processed through the proper chain of command. Unit supervisors are responsible for ensuring that all complaints and violations noted are processed.

### **39.4 Misdirected Emergency Calls**

39.4.1 All emergency calls that are received by Sheriff's Office employees other than from the dispatch center must be routed to the dispatch center immediately. This is accomplished by direct transfer to the dispatch center.

### **39.5 Release of Recorded Messages**

39.5.1 The What-Comm Dispatch Center records all radio and incoming phone calls. This system includes the ability to instantly replay conversations for emergency purposes. Communication tapes shall be treated as official records of the Sheriff's Office.

39.5.2 Telephone recordings by public safety agencies are used only for the purpose of ascertaining emergency information. For this reason, tape recordings of telephone conversations and their transcriptions will not be released outside the Sheriff's Office except on the advice of counsel or by court order.

39.5.3 To obtain a dispatch tape, a written request must be sent to the Lieutenant of Operations who will forward it to the dispatch center. The tape is then returned to the Lieutenant of Operations for review and distribution.

39.5.4 Radio transmissions and their transcriptions may have evidentiary value in certain criminal cases. For this reason, they may be subject to discovery. Release of these recordings to defense counsel is to be coordinated through the office of the Prosecuting Attorney.

### **39.6 Use Of Local And State Computer Systems**

39.6.1 Messages sent or received on the computer will be regarded as the official business of the Sheriff's Office and will not be distributed or divulged to persons outside of the Sheriff's Office unless necessary for Sheriff's Office or law enforcement operations. Approval for such distribution is required from the shift supervisor or a staff employee.

## **39.7 Computers**

39.7.1 Any intentional and unauthorized entry into files, unauthorized changes to files, or deletion from files or computer programs of any computer within the Sheriff's Office or Dispatch by employees are grounds for immediate disciplinary action.

39.7.2 Only authorized personnel are to use the computer terminals located in the Sheriff's Office facilities or the Dispatch Center. Any messages received or transmitted on these terminals are classified as the official business of the Sheriff's Office and are not to be divulged outside the criminal justice system. The various computer files and message systems which are available from these terminals are not to be used for any other purpose other than official law enforcement business.

39.7.3 The ACCESS computer system is the property of the Washington State Patrol. The system allows inquiries against numerous state and Federal computerized databases and a means of transmitting point to point Teletype messages to other law enforcement agencies both in and out of Washington State. Operation of the system is to be conducted under the rules of the ACCESS and WACIC procedure's manuals. These manuals are maintained in the Sheriff's Office and the Dispatch Center. It is the responsibility of certified communication personnel to maintain familiarity with the contents of these manuals.

## **39.8 Cellular Telephone Use**

39.8.1 Employees assigned to use, or having access to, Sheriff's Office cellular telephones shall utilize those telephones for their intended purpose.

39.8.2 Use of such cellular telephones shall be limited to the briefest possible time necessary to accomplish the business of the Sheriff's Office in order to limit the cost of operation.

39.8.3 Limited personal calls will be permitted to enable coordinating contact with family employees. Such calls shall be severely limited in duration and number.

39.8.4 Unnecessary use of Sheriff's Office cellular phones shall be avoided.

39.8.5 Authorized Public Safety Cellular Telephones - The Sheriff's Office shall assist with the acquisition and limited support of "public safety access" cellular telephones for qualified Sheriff's Office employees.

- A. Such cellular systems shall be available for public safety access and use as the need may arise.
- B. Authorized employees shall be fully responsible for cellular and system charges incurred above the authorized amount available for official call reimbursement from the Sheriff's Office.
- C. Failure to properly use such cellular systems or promptly pay service billings may result in the termination of the service at the discretion of the Sheriff's Office.

- D. If the Sheriff's Office administratively terminates an employee's public safety access service for misuse or failure to pay billings in a prompt manner, the Sheriff's Office reserves the right, upon notice to the employee, to deduct unpaid billings or charges from the employee's pay.
- E. The Sheriff's Office reserves the right and responsibility to approve acquisition, control, use, and to decide to terminate service of all "public safety access" cellular telephones and radio systems permitted to volunteer and auxiliary Sheriff's Office employees and its support entities.
- F. Misuse of such systems or the failure to promptly pay billings shall be grounds for termination of authorization and service.
- G. General misconduct or disassociation may also constitute grounds for termination of authorization or service to any volunteer or auxiliary employee.
- H. Such revocation of authorization shall not require notice prior to termination of service.
- I. Nothing in this section is intended to supersede the terms set forth in the current bargaining unit contract.

## **39.9 Sheriff's Office Correspondence**

39.9.1 Definition - Correspondence is any official document emanating from the Whatcom County Sheriff's Office.

39.9.2 Responsibilities - It shall be the responsibility of each division head to ensure that all personnel comply with established Sheriff's Office formats for all correspondence. All official mail from the Sheriff's Office will be sent on our letterhead paper under the name of the sheriff. Approval from a staff officer must be obtained before sending official mail.

39.9.3 Procedures

- A. All correspondence shall follow established Sheriff's Office formats as contained in the office of the Administrative Assistant.
- B. All outgoing correspondence to other Chiefs of Police, sheriffs, or department heads of any agency or company must be signed by a Sheriff's Office employee of the rank of lieutenant or above.
- C. All correspondence stating Whatcom County Sheriff's Office commitment on manpower of Sheriff's Office funds must be approved and signed by a Sheriff's Office employee of the rank of lieutenant or above.
- D. Routine inter-department correspondence may be signed as directed by the division head or his or her designee.
- E. Sheriff's Office stationery shall not be used for personal matters under any circumstances without approval from the sheriff.

39.9.4 Memoranda - Memoranda are issued for the following purposes:

- A. To disseminate information or instructions which do not warrant a permanent policy or procedure change.
- B. To direct actions of subordinates in specific situations under a level of supervision not authorized to issue policy or procedure changes. Such directions shall not deviate or conflict with established policies or procedures documented by higher authority.
- C. To explain or emphasize portions of previously issued orders.
- D. To coordinate certain activities of all shifts through interoffice memorandum communications.
- E. Generally memoranda are used for internal communications and not for external correspondence.

#### 39.9.5 Incoming Mail

- A. All incoming mail to the Sheriff's Office will be stamped with the date and time of receipt.
- B. All employees are assigned a mailbox. The box is to be checked on a regular basis, preferably at the beginning of shift. This mailbox should be kept sufficiently clean to allow the regular delivery of items on a daily basis. Employees are encouraged not to receive personal mail at the Sheriff's Office, nor to use the Sheriff's Office address for correspondence that would otherwise be received at the employee's residence.
- C. E-Mail – E-mail is an official publication of the Sheriff's Office and is not considered private. Information is stored digitally and in some cases is retrievable. Employees are cautioned that any information entered into the county e-mail system could be retrieved per county policy.
- D. The Whatcom County E-Mail Policy can be found in the Whatcom County Employee's Handbook.

## **Chapter 40: [Canceled]**



## **Chapter 41: Specialized Units**

### **41.1 Traffic**

41.1.1 The Traffic division specializes in traffic enforcement, accident investigation, and other duties related to traffic flow. This includes the Road Use Deputy who works out of the Public Works Department to conduct traffic studies and investigate accidents with liability concerns to Whatcom County. The Traffic Division is coordinated by a Traffic Coordinator (an appointed sergeant) who reports to the Lieutenant of Operations. For specific procedures governing the enforcement of traffic, see this manual's chapters 31, 32, 33, 34, and 35 and the Operation's Manual Traffic Section.

41.1.2 Training – No specific training is required for appointment to the traffic division. Traffic officers will be sent to the basic traffic investigation school as a minimum when time and scheduling permit. The unit coordinator and other unit employees will provide guidance and on the job training as required. The Road Use Deputy will also be sent to advanced traffic accident investigation when time and scheduling permit.

### **41.2 Detectives**

41.2.1 The Detective division conducts follow-up investigations into major crimes, sex and child abuse, property, and other crimes referred to the division or as assigned. This is a plain-clothes division and includes the Special Investigations deputy as assigned from patrol and narcotics officers for the investigation of narcotics violations. A detective sergeant who reports to the Lieutenant of Operations supervises the Detective Division. For specific procedures governing the Detective Division, see Chapter 24 of this manual.

41.2.2 No specific training is required for appointment to the Detective division. Detectives will be sent to the basic child abuse/sex abuse training as well as basic interviewing techniques when time and scheduling permit. Other training will be on an as needed basis such as homicide investigations and other specialty areas. The unit supervisor and other unit employees will provide guidance and on the job training as required.

### **41.3 Canine Unit**

41.3.1 The Canine Unit is a function of Patrol and includes deputies who are specially trained and equipped to use canines to assist patrol in the apprehension of suspects and locating evidence. An appointed sergeant who reports directly to a Bureau of Law Enforcement and Investigative Services lieutenant coordinates the Canine Unit.

41.3.2 Training – No specific training is required for appointment to the Canine Unit. However, once a dog is purchased for the handler, the basic training required is to be met prior to the canine team being certified as operational. Basic training will be completed to state certification standards. Thereafter, training is scheduled on a weekly basis with other local canine units.

## **41.4 Search and Rescue**

41.4.1 The Whatcom County sheriff is obligated by Section 38.52.400 and Section 38.52.410 of the Revised Code of Washington to be responsible for local search and rescue activities. Search and Rescue is a cooperative effort that involves the Sheriff's Office, other law enforcement agencies, federal agencies, and the Whatcom County Department of Emergency Management. The sheriff appoints a Search and Rescue Coordinator who is responsible for coordinating all search and rescue activities in Whatcom County. The Search and Rescue Unit is supervised by the Lieutenant of Services.

41.4.2 All Search and Rescue procedures pertaining to Patrol and coordinator responsibilities are contained in the Operation's Manual under #P-039.

41.4.3 Training – No specific training is required for appointment as Search and Rescue Coordinator. Search and Rescue Coordinators will be sent to the basic search and rescue coordinators school as a minimum when time and scheduling permit. The other coordinators and training from SAR groups will provide guidance and on the job training as required.

## **41.5 Boat Patrol**

41.5.1 The Boat Patrol unit is a function of patrol and consists of a unit of officers who are trained in boating enforcement. The unit covers local waterways and involves the use of different types of vessels for enforcement in the varied water environments in Whatcom County. An appointed boat patrol coordinator who reports directly to the Lieutenant of Operations coordinates the Boat Patrol unit.

41.5.2 Training – Previous boating experience is preferred for appointment to the boat patrol program, however it is not necessary. The unit coordinator and other unit employees will provide guidance and on the job training as required. Boat Patrol deputies will be sent to the state certified basic boat handling and enforcement training school as a minimum when time and scheduling permit.

## **41.6 Drug Task Force**

41.6.1 The Northwest Regional Drug Task Force is comprised of law enforcement personnel from the Whatcom County local and federal jurisdictions and is covered in Chapter 45 of this manual. Its focus is the interdiction and enforcement of narcotics laws within Whatcom County.

41.6.2 No specific training is required for appointment to the task force or other narcotics enforcement positions. Narcotics officers will be sent to the basic drug investigation school as a minimum when time and scheduling permit. The unit supervisor and other unit employees will provide guidance and on the job training as required.

## **41.7 Field Training Officer (FTO) Unit**

41.7.1 The Field Training Officer's Unit is comprised of an appointed sergeant as unit coordinator and appointed officers who serve a minimum term of two years as training officers. The unit is responsible for training and evaluating new hires during their time with a field-training officer as well as other assigned 41.7.2 No specific training is required for appointment as an FTO. Deputies appointed as FTOs

will be sent to the basic FTO school as a minimum when time and scheduling permit. The unit supervisor and other unit employees will provide guidance and on the job training

## **41.8 Crime Prevention**

41.8.1 The Crime Prevention Deputy is an appointed position to handle crime prevention programs and other public relations programs for the Sheriff's Office. This deputy is supervised directly by the Lieutenant of Services who reports directly to the sheriff in matters concerning the unit.

41.8.2 No specific training is required for appointment to the crime prevention position. Schooling will be on an as needed basis when time and scheduling permit.

## **41.9 Firearms Training Unit**

41.9.1 The Firearms Training Unit is comprised of an appointed sergeant and appointed deputies and correction's officers who create and conduct training seminars on the use of firearms as well as upgrade and monthly training for the Sheriff's Office. The unit is supervised directly by the Lieutenant of Operations.

41.9.2 No specific training is required for appointment to the firearms training unit positions. Deputies selected will be sent to the basic firearm's school as a minimum when time and scheduling permit. The unit supervisor and other unit employees will provide guidance and on the job training.

## **Chapter 42: Drug and Alcohol Use**

### **42.1 General Policy**

42.1.1 The Whatcom County Sheriff's Office recognizes that the abuse of alcohol and drugs in the workplace is a serious concern that could endanger the health and safety of employees, employees on the job, and the citizens they serve. Recognizing that alcohol and drug dependency is an illness; the Sheriff's Office focus to employees and employees with a drug or alcohol problem is recovery, not discipline. The Sheriff's Office therefore adopts the following policy to eliminate the effects of alcohol and drug use on the job and to assist employees in freeing themselves from alcohol and drug dependency.

42.1.2 The Sheriff's Office has no desire to dictate the private behavior of its employees and employees and becomes concerned only when such conduct appears to result in unacceptable job performance, safety reviews, violations of state law or prohibitions contained in this manual, or activity which would reflect badly on the Sheriff's Office and reduce the effectiveness of the deputy as a law enforcement officer.

### **42.2 Employee Assistance Program**

42.2.1 An Employee Assistance Program (EAP) is provided through Whatcom County without cost to initially access the employee or employee. Employees or employees with alcohol or drug dependency are encouraged to voluntarily seek help through the local EAP. The EAP step is an evaluation/assessment stage only and is not a treatment stage. An employee or employee accepted into a treatment program will be afforded leaves of absence and will receive applicable sick leave and medical benefits.

42.2.2 All requests for assistance, the results of treatment, and counseling, shall be kept strictly confidential. Confidentiality for the individual is of prime concern.

42.2.3 Employees and employees are encouraged to take advantage of treatment for alcohol or drug addiction problems before serious work problems develop. Employees or employees who request rehabilitation will be referred through the EAP or may elect their own certified addiction counselor, so certified by the appropriate certification board of the State of Washington.

42.2.4 An employee or employee must improve substandard job performance and/or correct unacceptable work behavior regardless of the underlying causes or circumstances.

### **42.3 Records Of Diagnosis And Treatment**

42.3.1 Official records of the diagnosis and/or treatment of alcohol or drug related illnesses shall be kept in a separate medical file from an employee's or employee's regular personnel file.

42.3.2 In general, files related to voluntary notification of illness, submission to treatment alternatives, diagnosis, and treatment shall be kept in a separate sealed, confidential, and secure file.

## **42.4 Work Rules**

### **42.4.1 Causes for discipline and discharge include:**

- A. Bringing in, consuming, possessing, providing, selling, purchasing, or using intoxicating liquor or illegal drugs while on duty unless in the performance of official duty
- B. Employees or employees shall not use drugs or narcotics unless such drugs or narcotics are properly prescribed by a physician for an illness or injury
- C. Reporting for duty under the influence of intoxicating liquor or prescription drugs/controlled substances
- D. If an employee or employee must use prescription drugs that prohibit the use of driving a vehicle or operating machinery, it is the responsibility of that employee or employee to notify his or her supervisor

## **42.5 Procedure**

42.5.1 If it comes to the attention of an employee or employee that another employee or employee is under the influence of alcohol or drugs, it is the responsibility of the discovering employee to notify the affected employee's/employee's direct supervisor immediately.

42.5.2 Procedure – Under the Influence while On-Duty - If a supervisor discovers through personal observation, citizen, or employee complaint, that an employee or employee is under the influence of intoxicating liquor or drugs, that supervisor shall immediately contact the accused to determine if there is a basis for the allegation and, if so:

- A. Notify the division supervisor
- B. Take the accused to the station for administration of physical tests which will be recorded on the WSP Alcohol Influence Report form
- C. Run or cause to have run by a certified BAC Verifier a chemical test of the employee or employee's breath
- D. Record the elapsed time in minutes between the initial observation or report and the time the tests were administered
- E. Suspend the accused pursuant to the emergency suspension provision in 28.6.3 of this manual
- F. Ensure the employee is returned safely home or to the care of a responsible person or, if necessary, ensure the employee receives medical treatment, if appropriate
- G. Write a full report of the incident prior to reporting off duty to include results of tests and statements of witnesses or other officers observing the accused, one copy of which will be sent to the chief criminal deputy

- H. Once the staff has received and reviewed the report, the employee or employee will be referred to the EAP to ensure a proper diagnosis
- I. For on-duty violations, an internal investigation will be initiated as per this policy manual in Chapter 28
- J. Employees who are found to be under the influence of intoxicants or drugs as per this policy and who have not reported their problem to the EAP will be subject to the discipline process
- K. Failure to submit to the breath test will be grounds for disciplinary action up to and including dismissal from the Sheriff's Office

## **42.6 Tobacco**

42.6.1 Tobacco is viewed as a drug, as a serious health risk, and a disqualifying hiring factor.

42.6.2 The Sheriff's Office will actively support employees' efforts to terminate the use of tobacco products.

42.6.3 Employees shall not use any tobacco products in any of the County or Sheriff's Office's buildings or vehicles.

42.6.4 Employees shall not use tobacco while engaged in traffic control, on an investigation, or while otherwise in contact with the public.

42.6.5 Employees who habitually use tobacco shall do so discretely and out of view of the public.

## **Chapter 43: Sexual Harassment/Employee Harassment**

43.1.1 It is the policy of the Whatcom County Sheriff's Office to provide a professional and businesslike work environment free from all forms of unlawful discrimination and harassment including sexual harassment. No employee should be subjected to a hostile work environment. No employee shall be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal, non-verbal, or physical. Sexual harassment will be treated as misconduct and will be dealt with by use of appropriate disciplinary sanctions.

43.1.2 Definition - Sexual harassment is defined, for the purposes of this policy, as the deliberate and/or repeated behavior of a sexual nature, by one employee to another employee or non-employee that is unwelcome, unasked for, or rebuked by the other employee, including but not limited to the following:

- A. Prohibited behavior may be verbal or physical
- B. Harassment may occur between co-workers or between a supervisor and a subordinate, or between an employee and the general public
- C. Examples of sexual harassment or sexual related misconduct could include, but are not limited to, the following:
  - 1. Sexual comments of a provocative or suggestive nature
  - 2. Jokes or innuendoes intended for and directed to another employee
  - 3. Leaving sexually explicit books, magazines, or photographs, where employees will find them
  - 4. Unwelcome demeaning comments, ridicule, offensive language, propositions or other similar actions
  - 5. Unwanted, unwarranted, or unsolicited off duty telephone calls and contact
  - 6. Signed or anonymous unwelcome notes or drawings placed on or in desks, bulletin boards, or in lockers
  - 7. Deliberately singling out an employee in front of other employees and subjecting them to demeaning or derogatory remarks
  - 8. Creating an intimidating, hostile, or offensive working environment or unreasonably interfering with work performance
  - 9. Unwelcome sexual conduct, advances, or requests for sexual favors of any nature as a term or condition of continued employment
  - 10. Transferring, demoting, or dismissing employees who refuse sexual advances

### **43.2 Procedures - Employee/Employee Responsibility**

43.2.1 An employee or employee who believes he or she has been sexually harassed shall contact their immediate supervisor or uninvolved supervisor, or use the chain of command, without undue delay following an incident or series of incidents of unwanted behavior as defined above in 43.1.2 (B). Notification may be either verbal or in writing.

43.2.2 Employees and employees have a duty to report and shall, in every case, report all allegations of sexual harassment immediately. Such reports will initiate an internal investigation.

43.2.3 An employee who feels that their complaint has not been adequately addressed may contact the Division Commander, undersheriff, or sheriff.

43.2.4 If the concern or complaint involves any person in the employee's immediate chain of command, or if there is a concern for confidentiality or undue embarrassment, the employee may submit his or her memorandum confidentially and directly to any staff employee.

43.2.5 The sheriff or his designee shall take appropriate action to limit the concerned employees from any further work contact without undue delay.

43.2.6 The Sheriff's Office will initiate and conduct an investigation into the allegation(s) per the procedures in Chapter 28 and under section 43.3 of this chapter.

43.2.7 If the allegation involves the sheriff, the complainant shall present the allegation without undue delay to the Prosecuting Attorney.

### **43.3 Procedures - Sheriff's Office Responsibility**

43.3.1 The Sheriff's Office accepts the responsibility to respond promptly and appropriately to allegations and incidents of any form of harassment that are reported to it by its employees, employees, or the public. All complaints and related investigations shall be kept strictly confidential for both parties with no retaliation against complainants. This confidentiality will not be construed however, to restrict the ability of the investigator to talk to witnesses and gather information.

43.3.2 Supervisors have a duty to be aware of harassment and/or sexual harassment issues and to be vigilant to its occurrence, effects, and to take immediate steps to deal with it upon detection of an incident.

43.3.3 All administrative, command, and supervisory level personnel are specifically charged with the responsibility of reporting allegations or incidents of any form of harassment to the chief criminal deputy, undersheriff, or sheriff promptly.

43.3.4 The failure of any of the above noted employees to effectively or efficiently respond to an allegation or incident of any form of harassment, once notification has been properly made, shall be grounds for disciplinary action.



## **Chapter 44: Division of Emergency Management**

### **44.1 Mission**

44.1.1 The mission of the Division of Emergency Management is to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the signatory jurisdictions (to the Whatcom County Inter-local Cooperative Agreement for Provision of Emergency Management Services) against the existing and increasing possibility of the occurrence of major emergencies or disasters, either man-made or from natural causes.

### **44.2 Role**

44.2.1 The Division's role is to develop and maintain a community infrastructure for emergency/disaster mitigation, planning, response, and recovery for not only Whatcom County, but also the seven incorporated cities within the county, and the Port of Bellingham. This is accomplished through public education, training of the response community, developing plans, and building teams. The division works with emergency responders, volunteers, and others, to maintain a constant state of readiness. The DEM is the designated "Community Coordinator" for the Local Emergency Planning Committee (LEPC), and works with local business and industry to ensure compliance with the Emergency Planning and Community Right-to-Know Act (EPCRA). DEM maintains a chemical inventory database and does planning for identified hazardous substance zones. The DEM staff is also charged with maintaining and operating the Whatcom County Emergency Operations Center in the basement of the Whatcom County Courthouse.

### **44.3 Organization**

44.3.1 Under Whatcom County Code 2.40, the sheriff is the director of emergency management for Whatcom County. As such, the sheriff is responsible for directing the activities of the emergency management division and the emergency operations center. The sheriff also serves as the emergency management coordinator for the unincorporated portion of Whatcom County and as chief advisor to the Whatcom County Emergency Management Council.

- A. Deputy Director - The sheriff has delegated the day-to-day management of the division to the Deputy Director of Emergency Management, who maintains a high level of expertise in the field of Emergency Management. The Deputy Director is responsible for supervising the activities of the division staff and directing the activities of the division, including the preparation and carrying out of emergency/disaster plans and procedures, practice drills, exercises, and coordination of the emergency management and disaster functions with all other agencies and affected private persons, corporations and organizations. The Deputy Director however, does not have the authority to exercise the special emergency powers conferred upon the sheriff by Whatcom County Code 2.40.
- B. Funding - The division, though a part of the Sheriff's Office, is organized and funded under the above mentioned Inter-local Cooperative Agreement between the incorporated cities in

Whatcom County, Whatcom County government, and the Port of Bellingham. Under that agreement, all signatory parties (except the Port of Bellingham, which pays a fixed annual fee) pay a per capita fee annually into the Whatcom County Emergency Management Fund, which is the source of the division's budget.

- C. WCEM Council - The mayor or other executive head of each signatory party to the Inter-local Agreement is also an employee of the Whatcom County Emergency Management Council, which provides program and policy guidance to the division and annually approves the division's budget. The sheriff, as Director of Emergency Management, sits on this council as vice-chairman, ex officio, and without a vote.

#### **44.4 Activities**

44.4.1 The division performs a number of specific activities in striving to accomplish its mission of protecting the lives and property of the citizens of Whatcom County in the event of a natural or man-made disaster. The primary services the division provides are as follows:

- A. Maintain an Emergency Operations Center - The division will maintain the facility designated by Whatcom County government as an Emergency Operations Center (EOC) in operable condition, including the maintenance of any necessary communications equipment.
  - 1. The current Whatcom County EOC is located [REDACTED]
  - 2. An alternate EOC site is located at the [REDACTED]
  - 3. The division is responsible for activating the EOC or alternate EOC and providing support to the EOC when it is activated
- B. Maintain a Disaster Plan - In accordance with state law, the division maintains a disaster plan that covers the response of Whatcom County government to any major disaster or emergency affecting Whatcom County or any municipal jurisdiction within the county
  - 1. The plan is known as the Whatcom County Comprehensive Emergency Management Plan (CEMP)
  - 2. Copies of the plan are distributed to every jurisdiction in the county, Whatcom County departments with disaster responsibilities, fire districts, school districts, and several other agencies in the county
  - 3. Copies of the plan are available for the public to view in the division office, the Bellingham Public Library, and the Whatcom County Library
  - 4. The plan will be reviewed and updated at least once in every two calendar years
- C. Maintain Standard Operating Procedures - The division maintains Standard Operating Procedures (SOP's) that detail the activation and operation of the EOC, operation of the various computer and telecommunications equipment, and address other administrative issues relative to the day-to-day and emergency operations of the division

1. Included as part of the division's operating procedures is an emergency telephone directory (updated quarterly) containing 24-hour contact information, where available, for all major emergency response personnel in the county, and other emergency contacts
  2. Distribution of this document is limited to the staff of the division and the Sheriff's Office due to the confidential nature of some of these numbers
  3. The division's operating procedures include by reference any administrative policies promulgated by Whatcom County government or the Sheriff's Office
- D. Maintain a Resources Inventory - The division maintains a computerized resources inventory that includes public and private resources necessary for responding to emergencies and disasters that might affect Whatcom County. This resources inventory is regularly updated and expanded
- E. Manage the Volunteer Emergency Worker Program - The division is responsible under state law for registering all volunteer emergency workers in Whatcom County, and follows the guidelines in WAC 118-04 for the registration of these workers
1. The division also maintains a computerized database of all registered emergency workers in Whatcom County, including all search and rescue volunteers used by the Sheriff's Office in performing search and rescue missions
  2. In addition to registering the workers and providing identification cards, the division processes all medical, property loss, property damage and extraordinary expense claims for losses or injuries incurred by a registered volunteer during a duly authorized emergency or training mission
- F. Conduct or Coordinate Emergency Training - Certain training is required by state law for volunteer emergency workers, based on the type of work they are involved in
1. In addition, volunteers may require training in the specific duties to which they are assigned
  2. To meet these requirements, the division may conduct training using division staff, may bring in outside trainers, and/or may coordinate the provision of training programs for local emergency workers
  3. In addition, various volunteer organizations, particularly the search and rescue groups, develop their own training
  4. Certain types of training should be covered by the state with a mission number to provide injury and property loss protection to the involved emergency workers
  5. The division will coordinate with the state and the group leaders to process requests for training mission numbers
  6. The division will also coordinate requests from the Sheriff's Office for an "Evidence Search Training Mission" number when required
- G. Conduct Training Exercises - The division will conduct training exercises with one or more of the political subdivisions in Whatcom County at least annually. These training exercises will test one or more emergency operations functions

1. Training exercises may be tabletop, functional, or full-scale
  2. Drills, testing equipment, and specific procedures, may also be conducted as needed
- H. Conduct Public Education - Education of the public is a critical component in an emergency management program
1. The division conducts a variety of public education programs including, but not limited to:
    - a. Presentations on earthquake and emergency preparedness
    - b. Distribution of literature
    - c. Publication of articles in local newspapers
    - d. Planning assistance/advice for local businesses and individuals
  2. The division also participates in Washington State Emergency Management's annual "Earthquake Preparedness Month" program, which is held each April
- I. Special Assistance to Employee Agencies - Under the Inter-local Cooperative Agreement, the division not only works with county government, but also with all employee agencies to develop emergency plans, procedures, resource inventories and training exercises. In addition, all other services provided by the division are also provided to and on behalf of the employee agencies.
- J. Coordinate with Other Agencies - The division will coordinate its plans and procedures with other agencies at the Federal, State, and local levels
- K. Within the Sheriff's Office, supervisors should check in prior to shift when the DEM has been activated to ensure proper coordination with emergency activities and patrol
- L. Provide Support for Search and Rescue Operations - The division provides support to the Sheriff's Office search and rescue operations. Such support may include, but is not limited to:
1. Obtaining resources, including personnel, feeding for workers, and supplies
  2. Coordinating public information and media inquiries
  3. Coordinating with other agencies, as required
  4. Obtaining Mission Numbers for all search and rescue activations
- M. Coordinate Financial Aid after a Disaster - In the event of an emergency or disaster affecting Whatcom County or any incorporated city within the county, the division will work with State and Federal officials to obtain any financial aid that may be available
- N. Respond to Emergencies/Disasters - The division maintains a 24-hour duty officer, who is the Deputy Director or Program Specialist
1. The duty officer has a county vehicle which is equipped with VHF and UHF radios, a cellular telephone, emergency lights and siren, and other equipment and supplies as may be required to adequately respond to the scene of an incident
  2. Upon request of the incident commander, or automatically in the case of certain sizes and types of incidents, the division Duty Officer will respond to the scene to provide advice, support, and liaison to outside agencies

3. The division's Duty Officers are trained as Hazardous Materials Technicians and may be called upon to provide advice and assistance to the incident commander in hazardous materials incidents
  4. The Duty Officer carries a laptop computer which contains the division's emergency databases, including chemical inventories and Response Information Data Sheets (RIDS) for a variety of chemicals. The computer gives the Duty Officer the ability to run plume dispersion models for a variety of chemicals, and display those plumes on maps of the county
- O. Coordinate and Encourage Mitigation Activities - While much of the division's activities center on preparing to respond to a disaster, mitigation of potential disasters is the preferred option whenever available
1. The division works to support and encourage mitigation activities by both government and private agencies and individuals in Whatcom County
  2. The division provides information and advice on mitigation strategies, coordinates mitigation planning with various agencies, and facilitates mitigation programs whenever possible
  3. In addition, the division informs other agencies of available mitigation funding when available
- P. Community Coordinator of County LEPC - Under the Charter of the Whatcom County Local Emergency Planning Committee (LEPC), the Director of the Whatcom County Division of Emergency Management (the sheriff) is the Chair of the LEPC
1. The Deputy Director serves as the Vice-Chair of the LEPC
  2. The division of emergency management has been designated by Washington State as the "Community Coordinator" for the LEPC in Whatcom County
  3. As the Community Coordinator, the division facilitates LEPC activities under the Superfund Amendment and Reauthorization Act (SARA Title III) including, but not limited to, scheduling meetings, receiving facility Tier II reports, maintaining chemical inventories, preparing and maintaining hazardous materials plans, conducting hazardous materials response exercises, maintaining files of reportable releases, Tier II reports and LEPC activities, and receiving and processing requests for public information as outlined in the federal Emergency Planning and Community Right to Know Act (EPCRA)

## **Chapter 45: Drug Task Force**

### **45.1 Narcotics Enforcement**

45.1.1 It is the intent of the Sheriff's Office to monitor, control, and suppress criminal drug trafficking, abuse, and related problems within the County by a coordinated and concentrated effort initiating and conducting drug investigations at the highest level possible and enforcing the criminal provisions of the Uniformed Controlled Substances Act, specifically RCW 69.32, 69.40, and 69.50.

45.1.2 During the course of routine activities Sheriff's Office employees may become involved in the investigation of drug related crimes. Such crimes shall be addressed with due regard for the potential they may have to other criminal activities.

- A. Major Drug Violations or Potential - Violations of the Uniform Controlled Substances Act that appear to have direct or potential links to greater drug sales, trafficking, manufacturing, or significant criminal involvement shall be referred to the Northwest Regional Drug Task Force for investigation
  - 1. The Task Force Supervisor will be the primary contact for such referrals
  - 2. In the absence or unavailability of the Task Force Sergeant, such cases may be referred to any Task Force employee
- B. Minor Drug Violations or Potential - Minor violations associated with persons of limited drug and/or crime involvement or potential, or found to be in possession of drug paraphernalia may be dealt with at the discretion of the on-duty supervisor. Reports or information gained during such contacts and/or investigations shall be routed to the Northwest Regional Drug Task Force
- C. Minor cases within other jurisdictions may be referred to those jurisdictions for disposition depending on their resources to handle such cases. However, this should not be a limiting factor to the Task Force if a low-level dealer can and will work as an informant who can lead to higher level dealers

### **45.2 Northwest Regional Drug Task Force**

45.2.1 The Northwest Regional Drug Task Force shall comprise the primary enforcement element of the Sheriff's Office in addressing significant drug-related crimes and perpetrators involved in drug manufacturing, trafficking and smuggling.

45.2.2 The Task Force is a multi-jurisdictional primary drug enforcement unit founded by the Sheriff's Office in January of 1988 and is a cooperative effort of the Whatcom County Sheriff's Office, the Bellingham Police Department, and the Whatcom County Prosecuting Attorney's Office.

### **45.3 Funding**

45.3.1 The Task Force is partially funded by a federal grant from the US Department of Justice, Bureau of Justice Assistance. The grant is administered by the Washington State Department of Community, Trade, and Economic Development.

### **45.4 Executive Authority**

45.4.1 Executive oversight and policy direction of the task force shall be vested in an Executive Board comprised of the sheriff of Whatcom County, the Chief of the Bellingham Police Department, and the Whatcom County Prosecuting Attorney.

45.4.2 The Executive Board shall determine the investigative priorities, policies, and general operating procedures of the Task Force.

45.4.3 The Executive Board shall preside over the Task Force in accordance with the established inter-local agreement governing the Task Force and its operations.

45.4.4 The Executive Board shall encourage cooperation and involvement of other county law enforcement agencies in the operational mission of the Task Force.

### **45.5 Command Authority**

45.5.1 Task Force Commander - The Task Force shall be commanded by a staff or command level officer from the lead Task Force agency.

- A. The Task Force commander serves under the policy direction of the Executive Board and assumes the responsibility for acting as the principal liaison and facilitator between the Executive Board and the Task Force
- B. The Task Force commander shall be responsible for keeping the Executive Board informed on all matters relating to the investigations, expenditures, accomplishments, and problems of the Task Force
- C. The Task Force commander shall be the immediate supervisor of the Task Force sergeant
- D. The Task Force commander shall be determined by the lead agency assuming direct responsibility for the operation of the Task Force
  - 1. During the period of time that the Sheriff's Office serves as the lead Task Force agency, the undersheriff shall serve as the Task Force Commander
  - 2. During the period of time that the Bellingham Police Department serves as the lead Task Force agency, the Detective Lieutenant shall serve as the Task Force Commander

45.5.2 Supervisory Authority - The Task Force shall be supervised by a sergeant selected from the lead agency.

- A. The Task Force Supervisor shall serve under the direction of the Task Force Commander and is directly responsible for the daily operation of the Task Force Unit
- B. The Task Force Supervisor shall be the immediate supervisor of all subordinate personnel assigned to the Task Force
- C. The Task Force Supervisor shall be responsible for keeping the Task Force Commander informed on all matters relating to the investigations, expenditures, operations, and problems of the Task Force
- D. The Task Force Supervisor shall be determined by the lead agency assuming direct responsibility for the operation of the Task Force
  - 1. During the period of time that the Sheriff's Office serves as the lead Task Force agency, a sheriff's detective sergeant shall serve as the Task Force supervisor
  - 2. During the period of time that the Bellingham Police Department serves as the lead Task Force agency, a detective sergeant shall serve as the Task Force Supervisor

## **45.6 Policy and Discipline**

45.6.1 Personnel assigned to the Task Force shall abide by the rules and regulations set forth in the Task Force policy and procedures manual, as well as their individual Sheriff's Office rules, policies, and procedures.

45.6.2 Misconduct by Task Force employees shall be investigated at the direction of the Task Force Commander.

45.6.3 Disciplinary sanctions shall be the responsibility of the employee's employing agency.

## **45.7 Employer Responsibility and Severability**

45.7.1 For the purpose of indemnification of participating jurisdictions against any losses, damages, or liabilities arising out of the services and activities of the Task Force, the personnel so assigned by any jurisdiction shall be deemed to be continuing under the employment of that jurisdiction and its policing department.

## **45.8 Authority of Task Force Agents**

45.8.1 Any duly sworn peace officer, while assigned to duty with the Task Force as herein provided, and working at the direction of the Executive Board, its Chairperson, the Task Force Commander, and the Task Force Sergeant, shall have the same powers, duties, privileges, and immunities as are conferred upon him or her as a peace officer in his own jurisdiction. Task Force agents shall be commissioned as special deputies by the sheriff.



## **45.9 [Canceled]**

### **45.10 Inter-Agency Cooperation**

45.10.1 It is the intent of the Sheriff's Office that the Task Force be utilized to its fullest potential in combating the drug-related crime in Whatcom County.

45.10.2 Operations of the Task Force shall be in full cooperation and coordination with the local jurisdictions in which the investigations are taking place.

45.10.3 In all cases, the local agencies will be kept appropriately apprised of the status of the cases within their jurisdiction.

45.10.4 In the event of a drug operation occurring within the county, the first law enforcement resources to be used after those of the Task Force shall be those of the participating jurisdiction within whose area the operation is occurring.

45.10.5 In the event that additional resources are needed to control a situation, a request for mutual aid will be made directly to an assisting agency by the Task Force Commander/Supervisor. Such requests for assistance shall, if possible, specify the number of police officers and types of equipment required and shall further specify where and to whom the equipment should be delivered.

45.10.6 The Task Force shall endeavor to work closely with the local jurisdictions in whose areas the investigations are occurring in regards to the status of the investigation and the use of personnel and equipment resources.

45.10.7 The Task Force shall cooperate fully with the federal law enforcement agencies operating in Whatcom County. The Task Force shall participate in the federal Border Task Force under the supervision of the Drug Enforcement Administration and United States Customs Service.

### **45.11 Press Releases**

45.11.1 The Task Force Commander or his designee shall make all press releases for operations/investigations in Whatcom County and the City of Bellingham.

45.11.2 Press releases regarding operations/investigations in the cities of Blaine, Ferndale, Sumas, Everson, Lynden, and the Lummi Nation shall be made jointly with the Task Force Commander and the Chief of those respective agencies.

45.11.3 All press releases shall make mention of the fact that the Northwest Regional Drug Task Force assisted in the investigation/operation and that the Northwest Regional Drug Task Force is partially funded by the US Department of Justice, Bureau of Justice Assistance.

## **45.12 Establishing A Command Post**

45.12.1 In the event of a large drug operation, the primarily responsible agency shall have the responsibility of establishing a command post, if needed.

45.12.2 This will be done in conjunction with the Task Force Commander/Supervisor notifying all assisting agencies, at the earliest possible time, of its location.

45.12.3 The primarily responsible agency shall establish a command post in such a manner as to provide an area suitable for the staging and directing of resources.

## **45.13 Prisoner Transport**

45.13.1 Transportation of prisoners to the jail will be coordinated by the supervising officer in charge of the incident.

## **45.14 Informants**

45.14.1 The Sheriff's Office anticipates and encourages its employees to cultivate informants who will assist in its efforts to solve crime.

45.14.2 Drug-Related Informants - Informants with drug related information will be the responsibility of the Task Force.

45.14.3 Confidentiality - Sheriff's Office employees will not divulge the identity of informants except as authorized by proper authority.

## **45.15 Evidence Collection and Processing**

45.15.1 Evidence will be collected and processed as described in this manual in Chapter 37 and the Whatcom County Sheriff's Office Operation's Manual sections; EV-001, EV-002, and EV-003.

## **45.16 One Party Consent Recording Authorization**

45.16.1 See Chapter 37.13 of this manual for application of one-party consent recordings.

## **45.17 Seizures and Forfeitures**

45.17.1 See Chapter 37.14 of this manual for application of seizure protocols as they apply to the Task Force.

## **Chapter 46: Equipment**

### **46.1 – 46.13 [Canceled]**

#### **46.14 General Equipment**

46.14.1 This section shall serve to establish the appropriate standards for acquisition, utilization, and maintenance of equipment and gear to be used by Sheriff's Office employees.

- A. **Appropriate Equipment Standard** - In every circumstance, the Sheriff's Office seeks to establish equipment standards that will provide Sheriff's Office employees with the most appropriate equipment resources necessary for the specific duty, task, or assignment that they are engaged in.
- B. **Employee Responsibility** - Sheriff's Office employees are responsible for properly utilizing the issued or required equipment that is specified or most appropriate for the duties, tasks, or responsibilities that they are assigned to or become legitimately involved in.
- C. **Equipment Authorization** - Only those employees that are specifically authorized to acquire, possess, and utilize specialized law enforcement equipment shall do so. Employees that are specifically authorized to utilize specialized or restricted equipment are those that are commissioned law enforcement officers, duly appointed staff employees, correction's officers, or auxiliary employees of one of the Sheriff's Office's auxiliary units.
- D. **Unauthorized Equipment** - Items of equipment that are not specifically listed within this policy shall be deemed to be unauthorized and shall not be acquired, possessed, carried, or utilized by on duty Sheriff's Office employees without specific permission issued in writing by the sheriff or an administrative designee.
- E. **Acquisition and Possession of Equipment Required** - All Sheriff's Office employees that are assigned to specific duties, responsibilities, and tasks that require the possession, availability, or use of specialized equipment shall acquire, possess, carry, and where appropriate, utilize said equipment in the proper manner.
- F. **Exceptions to Required Equipment** - Supervisors or staff employees may make exceptions to equipment regulations for specialized assignments or where circumstances warrant. The use of unauthorized equipment shall be the responsibility of the person authorizing the use.
- G. **Uniform Allowance** - Employees shall be responsible for the purchase, care, and maintenance of all items of non-issued equipment that is required or optional through the use of the initial and subsequent yearly uniform allowance.
  - 1. The initial and yearly uniform allowance provided shall be consistent with the collective bargaining agreement.
  - 2. Employees are to prioritize the expenditure of their uniform allowance each year to replace personal equipment that is worn, damaged, or unserviceable.

- H. Issued Equipment - The Sheriff's Office will issue the following items of equipment to authorized employees.
1. All Sheriff's Office badges, patches, insignia, buttons, tie bar, and collar brass
  2. Office keys
  3. County map and specialized area maps as necessary
  4. Ammunition for authorized weapons
  5. Riot gear and ballistic armor (as necessary)
  6. Flashlight batteries and bulbs for standard flashlights
  7. Aerosol spray irritant.
  8. Standardized writing pens, office supplies, and report forms
  9. One pair of handcuffs.
  10. One pair of leg irons.
  11. One portable radio and accessories, including earpiece, collar mike and holder
  12. Two Traffic vests
  13. Field Investigation's Kit
  14. First Aid Kit and biohazard supplies
  15. Camera, film, and batteries
  16. Traffic Supplies
  17. ID Cards
  18. Any issued firearm
- I. An inventory of all issued equipment shall be maintained by the Lieutenant of Services. This inventory will reflect all items issued by the Sheriff's Office and will be used for accounting purposes during inspections and separation of service audits.

#### **46.15 Uniform Equipment Requirements**

46.15.1 The purpose of this section is to establish the appropriate requirements relating to the acquisition, utilization, and maintenance of uniform equipment used by employees.

- A. Purpose of Uniform equipment - The primary purpose of the uniform equipment is to enable Sheriff's Office employees to carry out their official duties with standardized equipment.
1. Uniform equipment includes those items of equipment such as duty gear, handcuffs, batons, flashlights, etc.
  2. Such equipment is generally carried on or in close proximity to the person of the employee.
- B. Appropriate Equipment Standards - In every circumstance, the Sheriff's Office seeks to establish uniform equipment standards that will provide employees with the most appropriate items of equipment for the specific duty, task, or assignment that they are engaged in.
- C. Specific Authorization - All equipment that is carried or utilized while employed by and/or as an employee of the Sheriff's Office must be specifically or generally authorized in writing in this policy.

- D. Unauthorized Items Prohibited - Items of equipment that are not specifically or generally approved by class within this policy shall be deemed to be unauthorized and shall not be used by Sheriff's Office employees. No unauthorized personally owned equipment will be carried or used unless prior administrative permission is obtained in writing.
- E. Training Requirement - No employee shall use Sheriff's Office equipment unless he or she has been properly trained in its operation and is authorized to use it in the performance of duty.
- F. Employee Responsibility - Employees shall be responsible for the purchase, care, and maintenance of all items of duty-related equipment.
  - 1. Such care, maintenance, and periodic replacement shall result through the utilization of the initial and yearly uniform allowance.
  - 2. Exception to purchase shall be those items provided by and/or maintained by the Sheriff's Office.
- G. Responsibility for Issued Equipment - All employees are responsible for the maintenance of all equipment issued to them and to insure that such equipment is properly protected, utilized, and maintained in a clean condition and in good repair.
- H. Appropriate Use of Equipment - Employees will utilize Sheriff's Office equipment for its intended purpose in accordance with established Sheriff's Office procedures and training.
- I. Misuse of Equipment Prohibited - Employees will not intentionally misuse equipment issued, carried, or available to them, unless circumstances require the misuse.
  - 1. Employees shall not abuse, damage, or misuse Sheriff's Office property, unless circumstances require it.
  - 2. Employees will not modify Sheriff's Office equipment without prior written approval.
  - 3. Employees will not convert Sheriff's Office equipment to their own use.
  - 4. Employees will use Sheriff's Office owned equipment for Sheriff's Office functions only and shall not use Sheriff's Office owned equipment for personal uses.
- J. Reporting Lost, Damaged, or Out of Order Equipment - Employees will immediately report to their supervisor any loss, damage to, or impairment of any authorized or issued equipment or Sheriff's Office property assigned or available to them.
  - 1. Employees will report any inoperative, defective, or hazardous equipment which comes to their attention.
  - 2. Defective items must be repaired or replaced as soon as is reasonably possible.
  - 3. Defective items that may place the employee or other persons in immediate jeopardy shall be immediately replaced.
  - 4. Losing, damaging, or wasting Sheriff's Office property or equipment through negligence, carelessness, or improper use may be grounds for disciplinary action.

- K. Reporting to Duty with Equipment - Employees will report to duty with the items that are needed to accomplish their tasks. These items include but are not limited to the issued equipment listed in 46.14.1(l) as well as equipment that is issued with the patrol vehicle, appropriate uniforms, and any specialty equipment that is issued pursuant to special assignments.
- L. Loaning Sheriff's Office Equipment - Sheriff's Office or County property or equipment will not be loaned for personal use, but may be loaned to another agency with permission of a staff employee. A memorandum shall be placed in the administration file by the staff employee to record the loan.

## **46.16 Authorized Uniform Equipment**

46.16.1 Commissioned uniform employees are required to acquire and maintain the uniform equipment listed in this section.

- A. Uniform Leather Duty Gear Standard - All leather or leather-type duty gear purchased after March 31, 1999 shall be Safariland brand and constructed of Safari-Laminate.
- B. Required Adherence to Standard - Sheriff's Office employees that are hired after March 31, 1999 shall be required to purchase Safariland laminate gear in all items of uniform duty gear utilized while on-duty.
  - 1. Leather gear constructed of Safari-Laminate will be designated as laminate or laminate gear for the purpose of this policy.
  - 2. Such leather shall be of basket weave design, black in color, buckleless, with no exposed snaps.
- C. Exception to Requirement - Leather purchased prior to March 31, 1999 or that is in use before that date may be continued in use by employees hired before March 31, 1999. Such items must be constructed of top grain leather or laminate and may be from any acceptable manufacturer. Such items of leather shall be of the standard basket weave design and black in color.
- D. Required Leather/Laminate Duty Gear - Every uniformed employee of the Sheriff's Office, while wearing the uniform of the Sheriff's Office, shall have on the following items of leather/laminate gear while in uniform:
  - 1. Duty belt with buckle or buckleless
  - 2. Silver or gold colored buckle (buckle belts only)
  - 3. Safariland SS 3 Security Holster
  - 4. Handcuff case (hidden snap or Velcro)
  - 5. Magazine pouch (minimum of one)
  - 6. Belt keepers (as required)
  - 7. Aerosol spray holder
  - 8. Radio holder (provided)

- E. Optional Leather/Laminate Duty Gear - Uniformed employees may additionally carry the following items while in uniform:
  - 1. Flashlight holder or ring
  - 2. Baton holder or ring
  - 3. Knife holder
  - 4. Electronic stun device holder
  - 5. Tool holder
  - 6. Glove holder
  - 7. Key holder
  - 8. Pager holder
  - 9. Miscellaneous equipment holder
  - 10. Other items of optional equipment may be carried after they are approved in writing by the sheriff
- F. Duty Belts - Duty belts shall be a Sam Browne type without shoulder strap or shoulder strap metal loops, not less than two-inches or more than two and one-half inches in width and heavy enough to carry the equipment without sagging. After March 31, 1999, all duty belts shall be made of Safariland laminate and of buckleless design.
- G. Trouser Belts - Such belts will be not less than one inch in width and must be completely hidden by the gun belt and be black in color. Such belts may include Velcro in their construction as is necessary for the utilization of buckleless duty belts.
- H. Duty Holsters - The standard duty holster shall be the Safariland SS 3 high security holster with two functional safety snaps and securely affixed to the duty belt. No other holster is approved for regular uniform duty use.
- I. Magazine Pouches - Pouches will be of heavy molded leather or laminate and fashioned to hold a minimum of one extra ammunition magazine.
  - 1. A minimum of two extra magazines must be carried by employees assigned to regular operational uniform assignments.
  - 2. Uniform staff employees must carry a minimum of one extra magazine while in uniform.
- J. Ammo Pouches - Are not authorized for uniform duty use.
- K. Metal Hardware - All metal hardware (snaps, buckles, etc.) will be chrome or nickel-plated chrome with a plain smooth finish for deputies and correction's officers and gold color for sergeants and above.

## **46.17 Firearms Authorized and Required**

46.17.1 All Sheriff's Office employees, while on duty or wearing the uniform for duty-type use, will comply fully with the following section regarding the possession, carrying, and utilization of firearms and ammunition.

- A. Semi-Automatic Duty Pistol - All Sheriff's Office employees that are authorized to carry firearms while wearing the uniform of the Sheriff's Office shall carry an authorized semi-automatic pistol of .40 or .45 caliber.
  - 1. The Glock .40 caliber semi-automatic pistol shall be the official handgun of the Sheriff's Office.
    - a. The Glock models 22 and 23 shall be authorized for regular uniform or plainclothes use.
    - b. The Glock Model 27 shall be authorized for plainclothes use and for limited necessary uniform duty use.
  - 2. The Sheriff's Office shall authorize employees to continue to carry appropriate models of the following handguns for duty use.
    - a. Sig Sauer .40 and .45 caliber pistols.
    - b. Smith and Wesson .40 and .45 caliber pistols.
    - c. Colt .40 and .45 caliber pistols.
    - d. Other pistols specifically authorized by the sheriff.
  - 3. The Sheriff's Office shall authorize employees to carry back up and off-duty weapons by type, caliber, and model.
- B. Handgun Authorizations and Restrictions - The following authorizations and restrictions shall apply as indicated.
  - 1. After January 1, 1999, all newly hired employees shall be required to purchase or otherwise acquire a Glock model 22 or 23 semi-automatic pistol with night sights and three law enforcement or high capacity magazines.
  - 2. Employees carrying a semi-automatic pistol in either .40 or .45 caliber other than the Glock model 22 or 23 prior to January 1, 1999 may continue to carry such weapon as long as it meets the performance and safety standards of the Sheriff's Office.
  - 3. The Sheriff's Office shall maintain a limited number of Glock pistols for the use of new employees who have not yet acquired a duty pistol or regular employees who need the loan of such weapon for a limited period as circumstances warrant.
  - 4. Employees may carry approved handguns for use as an on-duty concealed backup weapon. Employees must have such a weapon inspected by the range staff and fire a qualification course prior to the carrying of such weapon. Make, model, and serial number of the weapon fired will be recorded. Backup weapons must be carried in a secure concealed holster that will prevent the weapon from dislodging in the event of a scuffle. Backup weapons must be of the following caliber: .357 or .38 special, .380 auto, 9mm, .40 Smith and Wesson, or .45 ACP.
- C. Revolvers Restricted for Duty Use - Revolvers are only authorized for limited use as a backup, official off-duty, or special plain-clothes assignment.



- D. Rifle Authorizations - The Sheriff's Office may authorize the utilization of rifles meeting the following standards.
1. Employees are authorized to possess and carry for duty use Colt AR-15, Ruger Mini-14, Ruger Mini-30, Springfield M1A or equivalent semi-automatic rifles in either military or law enforcement configurations. Caliber is restricted to .223, .308, or 762x39. Only Sheriff's Office issued ammunition will be used.
  2. The possession and use of such rifles on duty is restricted to those individuals having successfully completed training and qualification for such weapons.
  3. Employees may be authorized to carry other rifles by specific manufacture, model, caliber, type, and class. Such requests for specific authorization must be submitted in writing to the sheriff via the range staff for specific written approval prior to the carry or utilization of such weapons.
- E. Shotgun Authorizations - The Sheriff's Office may authorize the utilization of shotguns other than those issued by the Sheriff's Office.
- F. Such requests for specific authorization must be submitted in writing to the sheriff via the range staff for specific written approval prior to the carry or utilization of such weapons.
- G. The possession and use of such shotguns on duty is restricted to those individuals having successfully completed training and qualification for such weapons.
- H. Other Firearms or Projectile Weapons - The Sheriff's Office may authorize the utilization of other firearms or weapons other than those issued by the Sheriff's Office.
1. Employees may be authorized to carry other firearms or projectile weapons including those issued by the Sheriff's Office.
  2. Such requests for specific authorization must be submitted in writing to the sheriff via the range master for specific written approval prior to the carry or utilization of such weapons.
  3. The possession and use of such firearms on duty is restricted to those individuals having successfully completed training and qualification for such weapons.
- I. Ammunition - Employees shall only carry and utilize for duty use ammunition that is specifically authorized or issued by the Sheriff's Office.
- J. Prohibitions - Employees shall not carry or utilize any weapon or ammunition that is not issued or authorized by the Sheriff's Office pursuant to this section.

## **46.18 Equipment Authorized and/or Required**

46.18.1 All Sheriff's Office employees, while on duty or wearing the uniform for duty-type use, will carry the following required equipment. Special assignments that may warrant the absence of the required duty equipment are specifically exempt from this requirement.

- A. Handcuffs and Restraints - Handcuffs and similar restraints shall be constructed of high quality steel with either a black or chrome finish with standardized keys. Employees are required to

wear two sets of hand restraints. It is preferred that employees wear two sets of handcuffs, however, one set of handcuffs and one set of soft restraints are approved for use.

- B. Nonmetal Restraints - The Sheriff's Office may approve and/or issue nonmetal restraints for use in restraining persons taken into custody. Such restraints may be constructed of plastic, cloth or other appropriate material. Such items must be approved in writing by the sheriff in advance of carrying and/or use.
- C. Impact Devices - Impact devices or weapons such as batons, kubatons, nightsticks, or other defense, control, or disabling devices may be carried by Sheriff's Office employees. Such devices shall be of a design approved by the Sheriff's Office.
  - 1. The wearing of an impact device on the equipment belt shall generally be at the individual officer's option.
  - 2. The Sheriff's Office or supervisory personnel may require the carry and use of impact devices in circumstances that they believe warrants such availability of these devices.
  - 3. If carried, the device shall be immediately available for use or inspection. The employee shall be certified and have current training in its use.
- D. Flashlight - A flashlight in good working order shall be carried or immediately available to all uniformed and plainclothes personnel from their assigned Sheriff's Office vehicle. At the officer's option, a traffic wand may also be carried.
- E. Aerosol Irritant Canisters- It is mandatory that employees in uniform wear their Sheriff's Office issued full sized aerosol irritant canisters on their equipment belt at all times.
- F. Personal Equipment Authorized by Class - The following items of personal equipment are generally authorized by class for official use by Sheriff's Office employees.
  - 1. Cellular Telephones
  - 2. Night Vision Equipment
  - 3. Citizen Band and Ham Radios
  - 4. Global Positioning Equipment
  - 5. Scanners
  - 6. Binoculars and similar instruments
  - 7. Knives
  - 8. Miscellaneous small tools to include small pliers, wire cutters, multi-tool devices, etc.
  - 9. Lock picks and vehicle entry tools
  - 10. Compass and plotting devices and accessories
  - 11. Laptop Computers
- G. Lawful and Appropriate Use - All personal items that are authorized specifically or by class are so authorized to the extent that they are utilized in the furtherance of the individual employee's lawful duties.

- H. Unlawful or Inappropriate Use Prohibited - Any unlawful or inappropriate use will void Sheriff's Office approval for possession and use on a specific case by case basis.
- I. Duty to Report Unlawful or Inappropriate Use - Any employee who carries, uses or knowingly allows equipment that is authorized or unauthorized to be utilized for an inappropriate or unlawful purpose must report the same to the sheriff in writing within 48 hours.

## **46.19 Equipment for Special Assignments**

46.19.1 Sheriff's Office employees may carry and utilize special duty equipment other than that which is normally authorized, as provided in this section.

- A. Prior Approval - Upon the approval of a staff level officer in advance of the carrying and/or use of the special equipment.
- B. Exigent Circumstances - Upon the direct order of a supervisory officer holding the rank of sergeant or above when exigent circumstances indicate such use.
- C. Employee Report Required - In all such cases where special equipment was used, either by prior approval or exigency, it shall be the responsibility of the employee utilizing the special equipment or device to submit a report of any exceptional or adverse result of the use of such equipment.
- D. Supervisor's Report Required - In the case of an exigent authorization, it shall be the responsibility of the authorizing superior to submit a memorandum through the chain of command to the chief criminal deputy detailing the circumstances surrounding authorization and use of the specialized equipment or device. Such a report shall include any damage or injury caused directly or indirectly by the use of the special equipment or device.

## **46.20 Use of Keys**

46.20.1 Employees will possess and use only those Sheriff's Office and/or Whatcom County keys which they are authorized to have.

- A. Duplication Prohibited - Sheriff's Office employees shall not make or cause to be made any duplicates of Sheriff's Office keys.
- B. Lost Keys - Loss of Sheriff's Office keys will be reported immediately by the employee to his or her supervisor. A memorandum will be submitted detailing the circumstances surrounding the loss.
- C. Possession of Keys Prohibited - Employees will not possess keys to private sector business establishment(s) unless they have received prior written administrative permission.

## **46.21 Return of Sheriff's Office Property**

46.21.1 Return of Sheriff's Office Property

- A. Separation - Upon termination of employment, all Sheriff's Office owned property will be returned without delay.
- B. Circumstances Requiring Return - Whenever any employee retires, resigns, is discharged, takes a leave of absence other than annual military leave, or in any way vacates his or her position, the employee shall surrender all items of equipment, manuals, or property received from the Sheriff's Office during the employee's period of service.
- C. Failure to return such items of Sheriff's Office property may warrant legal action at the sheriff's discretion.
- D. Recovery of Property Upon Death - In the event of the death of an employee, the Chief Deputy or a specified designee shall take appropriate steps to recover all Sheriff's Office property in the possession of the deceased.