

# Spokane County Sheriff's Office

Spokane County SO Policy Manual

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## **SHERIFF'S PREFACE**

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

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

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

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

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

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

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

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

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

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

## **SPOKANE COUNTY SHERIFF'S OFFICE ETHICAL VALUES**

### **Trustworthiness:**

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

# Spokane County Sheriff's Office

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

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### **Responsibility:**

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

### **Respect:**

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

### **Fairness:**

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

### **Caring:**

We must empathize with the problems of people whom we work with and contact on a daily basis. Sometimes we must make decisions that may cause people both emotional and physical pain. In doing so, one should be consciously aware to cause no more discomfort than is reasonable and necessary to perform one's duties. A person who is caring will feel an obligation to be trustworthy, responsible, respectful, fair, and promote good citizenship.

### **Citizenship:**

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

## **SHERIFF'S EXPECTATIONS AND STANDARDS OF CONDUCT**

- Do nothing to dishonor your badge or the Sheriff's Office
- Do your job
- Treat people with courtesy and respect/no harassing or bullying
- Stay within the boundaries of reasonableness

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- No lying or any communication intended to deceive, including lack of forthrightness (i.e., memory loss, omission, etc.)
- No insubordination
- No abuse of authority
- Say what you mean and mean what you say
- Only say what you are willing to sign your name to
- Agree to disagree
- No pot stirring/rumor mongering - intentionally causing dissension/disruption

### **VISION**

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

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

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

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

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

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

# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

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

## 100.2 PEACE OFFICER POWERS

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

### 100.2.1 ARREST AUTHORITY

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

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

## 100.3 CONSTITUTIONAL REQUIREMENTS

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

## 100.4 SPOKANE SHERIFF'S SPECIAL DEPUTY COMMISSIONS

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

### 100.4.1 DEFINITIONS

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

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

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

### 100.4.2 SPECIAL DEPUTY COMMISSION ELIGIBILITY

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

- (a) Be at least twenty-one years of age. (The Sheriff, by written authorization, may allow individual exception to the age requirement for a Special Deputy Commission.)
- (b) Be a citizen of the United States.
- (c) Have a high school diploma or equivalent.
- (d) Be of good moral character.

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- (e) Not have been convicted of a felony, a crime of moral turpitude, a crime involving a controlled substance, or a domestic violence crime.
- (f) Not have been involuntarily committed to an institution or treatment program for a mental disorder, or alcohol or controlled substance abuse.

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

#### 100.4.3 INSURANCE AGREEMENT

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

#### 100.4.4 SPECIAL DEPUTY TRAINING

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

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

#### 100.4.5 SPECIAL DEPUTY COMMISSION RENEWAL

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

All special commissions expire if not renewed, or if the individual holding the Office of the Sheriff changes. Commissions are governed solely by the Sheriff, and as such, can be removed at any

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time without cause. When expired or removed, all commission cards will be returned to the training supervisor, and an updated list of active special commissions will be sent to the forensics unit.

#### **100.5 OTHER DEPUTY COMMISSIONS**

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

##### **100.5.1 AUTOMATIC TERMINATION OF SPECIAL DEPUTY COMMISSION**

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

#### **100.6 POLICY**

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

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

#### **100.7 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended to other states:

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

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

## Law Enforcement Certification

### 102.1 PURPOSE AND SCOPE

Prior to assuming independent law enforcement duties and responsibilities all sworn deputies employed by the Spokane County Sheriff's Office shall either:

- (a) Receive certification from CJTC by successfully completing an approved academy;
- (b) Be within 6 months of hire, or have an approved extension from CJTC, and have completed an SCSO pre-academy training course.

All sworn deputies employed by the Spokane County Sheriff's Office shall begin attending an approved academy within the first six months of employment or have an approved extension from CJTC to attend an approved academy at a later date. (RCW 43.101.095(1); RCW 43.101.200(1))

### 102.2 FIRST LEVEL SUPERVISOR CERTIFICATION

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

### 102.3 MIDDLE-MANAGERS CERTIFICATION

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



## Oath of Office

### **104.1 PURPOSE AND SCOPE**

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

### **104.2 POLICY**

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

### **104.3 OATH OF OFFICE**

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

If a member is opposed to taking an oath, he/she shall be permitted to substitute the word "affirm" for the word "swear," and the words "so help me God" may be omitted.

### **104.4 MAINTENANCE OF RECORDS**

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

# Policy Manual

## 106.1 PURPOSE AND SCOPE

The manual of the Spokane County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

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

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

## 106.2 POLICY

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

### 106.2.1 DISCLAIMER

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

## 106.3 AUTHORITY

The Sheriff shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Sheriff or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

## 106.4 DEFINITIONS

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

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

**CFR** - Code of Federal Regulations.

**County** - The County of Spokane.

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

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

**Department/SCSO** - The Spokane County Sheriff's Office.

**DOL** - The Department of Licensing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**USC** - United States Code.

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

**WSP** - The Washington State Patrol.

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

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

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

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

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

### **106.7 REVISIONS TO POLICIES**

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

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

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

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

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

# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

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

## 200.2 DIVISIONS

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

- Administration Division
- Downtown Precinct
- Spokane Valley Precinct

### 200.2.1 THE CITY OF SPOKANE VALLEY PRECINCT

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

### 200.2.2 ADMINISTRATIVE DIVISION

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

### 200.2.3 DOWNTOWN PRECINCT

The Downtown Precinct is commanded by an Undersheriff whose primary responsibility is to provide general management direction and control for that Precinct. The Downtown Precinct consists of Uniformed Patrol, Traffic unit, K-9 unit and other specialty units. Investigation of crimes against person, Regional Intelligence Group 9, Forensic Unit, Investigative Task Force, and SSRTF.

## 200.3 COMMAND PROTOCOL

### 200.3.1 ORDERS

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

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#### 200.3.2 UNLAWFUL AND CONFLICTING ORDERS

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

#### 200.3.3 UNITY OF COMMAND

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

#### 200.3.4 SUCCESSION OF COMMAND

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

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

- (a) Administrative Division Undersheriff
- (b) Downtown Division Undersheriff
- (c) Valley Precinct Division Undersheriff
- (d) Downtown Precinct Inspector
- (e) Valley Precinct Inspector
- (f) Shift Commander

#### 200.3.5 SPOKANE VALLEY PRECINCT HIERARCHY

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

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

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#### 200.3.6 RANKS OF AUTHORITY

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

Sheriff: Elected by the citizens of Spokane County.

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

Inspector: A commissioned deputy appointed by the Sheriff and responsible for command of a Precinct in the absence of an Undersheriff.

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

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

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

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

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

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

Communications Officer/Non-Commissioned or Limited Commissioned

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

#### 200.3.7 COMMAND PROTOCOL IN EXCEPTIONAL SITUATIONS

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



## General Order

### **204.1 PURPOSE AND SCOPE**

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

#### **204.1.1 GENERAL ORDER PROTOCOL**

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

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

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

### **204.2 RESPONSIBILITIES**

#### **204.2.1 STAFF**

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

#### **204.2.2 SHERIFF**

The Sheriff shall issue all General Orders.

### **204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES**

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

# Emergency Management Plan

## 206.1 PURPOSE AND SCOPE

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

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

### 206.1.1 SPOKANE COUNTY

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

## 206.2 ACTIVATING THE EMERGENCY PLAN

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

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

### 206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Spokane County Sheriff's Office are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or the authorized designee.

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

## 206.3 LOCATION OF SPOKANE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

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

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### *Emergency Management Plan*

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#### **206.3.1 SUPERVISORS AND TRAINERS RESPONSIBILITIES**

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

In support of notification and evacuation, all supervisors should be aware of and trained to the policies and procedures of Alert Spokane (Emergency Notification System). Alert Spokane policy and procedures are attached.

[See attachment: ENS\\_Policy\\_Procedure.pdf](#)

#### **206.4 BUILDING EVACUATION PLAN**

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

#### **206.5 UPDATING OF MANUALS**

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

#### **206.6 TRAINING**

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

# Training Policy

## 208.1 PURPOSE AND SCOPE

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

## 208.2 PHILOSOPHY

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

## 208.3 OBJECTIVES

The objectives of the Training Program are to:

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

## 208.4 TRAINING PLAN

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

- (a) All sworn members will successfully complete an annual in-service training program of no less than 24 hours that includes the training required by the CJTC (WAC 139-05-300).
- (b) All sworn members will successfully complete an annual in-service training program on the office use of force and deadly force policies.
- (c) All sworn members will successfully complete in-service training on less-than-lethal weapons every two years.
- (d) Full-time supervisors or managers will receive appropriate training and certification required by CJTC.
- (e) All sworn members will successfully complete the National Incident Management System (NIMS) introductory training course.

The plan will also address the following areas:

- Legislative Changes

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- State Mandated Training
- Critical Issues Training

#### **208.5 TRAINING NEEDS ASSESSMENT**

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

##### **208.5.1 TRAINING ATTENDANCE**

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

#### **208.6 TRAINING DOCUMENTATION**

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

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

#### **208.7 TRAINING PROCEDURES**

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

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2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Sergeant to attend an alternate date.

#### **208.8 TRAINING - LEAD INSTRUCTOR GROUP**

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

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

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

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

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

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

#### **208.9 DAILY TRAINING BULLETINS**

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

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Administrative Lieutenant. Personnel should not share their password with others and

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should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Office.

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

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

## Electronic Mail

### 212.1 PURPOSE AND SCOPE

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

### 212.2 EMAIL RIGHT OF PRIVACY

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

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

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

### 212.3 PROHIBITED USE OF E-MAIL

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

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

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

### 212.4 EMAIL RECORD MANAGEMENT

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



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## *Electronic Mail*

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

### **212.5 PERSONAL E-MAIL ACCOUNTS**

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

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# Administrative Communications

## **214.1 PURPOSE AND SCOPE**

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

## **214.2 SPECIAL ORDERS**

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

## **214.3 CORRESPONDENCE**

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

## **214.4 SURVEYS**

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

## **214.5 TRAINING BULLETINS**

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

## Staffing Levels

### **216.1 PURPOSE AND SCOPE**

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

### **216.2 MINIMUM STAFFING LEVELS**

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

## Retiree Concealed Firearms

### 220.1 PURPOSE AND SCOPE

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

### 220.2 POLICY

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

### 220.3 LEOSA

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

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

#### 220.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

#### 220.3.2 AUTHORIZATION

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

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

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### *Retiree Concealed Firearms*

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

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

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

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

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

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

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

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

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

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

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

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

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### *Retiree Concealed Firearms*

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- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

#### **220.6 FIREARM QUALIFICATIONS**

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

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

## **Chapter 3 - General Operations**

# Use of Force

## 300.1 PURPOSE AND SCOPE

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

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

## 300.2 POLICY

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

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

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

### 300.2.1 DUTY TO INTERCEDE

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

## 300.3 USE OF FORCE

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

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



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

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

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

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

#### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

#### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the deputy.
- (k) Potential for injury to deputies, suspects, and others.

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- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

#### 300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

#### 300.3.4 VASCULAR NECK RESTRAINT

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

- (a) The deputy shall have successfully completed department-approved training in the use and application of the vascular neck restraint.
- (b) The vascular neck restraint may only be used when circumstances perceived by the deputy at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
  - 1. The subject is violent or physically resisting.
  - 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm deputies, him/herself or others.
- (c) The application of a vascular neck restraint on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to

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

1. Females who are known to be pregnant
  2. Elderly individuals
  3. Obvious juveniles
  4. Individuals who appear to have Down Syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries.
- (d) Any individual who has had the vascular neck restraint applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The deputy shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the vascular neck restraint and whether the subject lost consciousness as a result.
- (f) Any deputy attempting or applying the vascular neck restraint shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the vascular neck restraint shall be thoroughly documented by the deputy in any related reports.

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

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

#### **300.4 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

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

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For example, an imminent danger may exist if a deputy reasonably believes any of the following:

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

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

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

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

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

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

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

#### **300.5.1 NOTIFICATION TO SUPERVISORS**

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER® device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.

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- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

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

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

#### **300.6 MEDICAL CONSIDERATION**

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

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

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

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

#### **300.7 SUPERVISOR RESPONSIBILITIES**

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

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

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

#### 300.7.1 SHIFT COMMANDER RESPONSIBILITY

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

#### 300.7.2 LEAD DEFENSIVE TACTICS / USE OF FORCE EXPERT DUTIES

The lead defensive tactics instructor will obtain Master Instructor (MI) Certification through the Washington State Criminal Justice Training Commission. The lead defensive tactics instructor will review current Sheriff's Office Use of Force Policy to make sure it is up to date and conforms

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to current case law and best practice standards. The lead defensive tactics instructor will design the Law Enforcement Divisions defensive tactics curriculum and oversee its implementation. The lead defensive tactics instructor will establish department approved defensive tactics techniques that are tactically sound, medically sound and lawful. The lead defensive tactics instructor will review all use of force incidents in which deputies are involved to determine whether the amount of force used on a person was objectively reasonable under the totality of the circumstances. If requested by the Sheriff the lead defensive tactics instructor will provide written opinions and expert testimony on use of force incidents.

#### **300.8 TRAINING**

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

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

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

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

## Deadly Force Review

### 302.1 PURPOSE AND SCOPE

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

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

### 302.2 POLICY

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

### 302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

### 302.4 REVIEW BOARD

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

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

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

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

#### 302.4.1 COMPOSITION OF THE BOARD

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

- Representatives of each division
- Commanding officer in the involved member's chain of command



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

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

#### 302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

The board shall make one of the following recommended findings:

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

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

The Sheriff shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional

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actions, investigations or reviews are appropriate. The Sheriff's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Sheriff concludes that discipline should be considered, a disciplinary process will be initiated.

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

# EXCITED DELIRIUM RESPONSE

## 305.1 PURPOSE AND SCOPE

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

## 305.2 POLICY

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

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

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

## 305.3 DEFINITIONS

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

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

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

#### **305.4 COMMUNICATIONS RESPONSIBILITIES**

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

- (a) Protocol order:
  - 1. Tone the call to all channels for additional patrol unit response. Assume the on-scene first responder is "Code 6" until notified otherwise. If applicable, advise over the air, all other channels of unit with "Excited Delirium" subject, location, and initial call details.
  - 2. Restrict the channel
  - 3. Notify fire dispatch of Advance Life Support (ALS) medical response. The appropriate minimum medical response will include a paramedic with the responding fire personnel or AMR employees. The responding medical personnel need to stage at a safe location as close as possible to the scene. "Secure scene" or "scene is secure" are the phrases for responding medical personnel to assist in the medical emergency at the scene.

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4. Notify shift supervisor and shift commander. Shift supervisor will be notified of the situation by radio or phone to apprise of the initial information of the incident. Mobile data computer message is not an adequate medium for notification.
5. Implement Incident Command procedures for a unified command. The first Deputy informing of the Excited Delirium incident will be the incident commander for communication purposes until someone else advises accepting incident command. Deputies and Officers at the scene will primarily be tasked with containment and restraining of the individual. Medical personnel will primarily be tasked with providing medical treatment of the individual.
6. The incident commander may task dispatch with the request to assist in setting up a containment perimeter and establishing a staging location for responding medical personnel.
7. Command staff page.

#### **305.5 RESPONDING PATROL DEPUTIES RESPONSIBILITIES**

(a) Responsibilities:

1. Responding officers shall assess the situation to determine if the person is suffering from Excited Delirium. The determination must be based on a rapid assessment of the overall scenario and behavior of the subject. If Excited Delirium is suspected, immediately advise dispatch over the air of an "Excited Delirium" or "possible Excited Delirium" situation, no abbreviations.
2. If the subject poses a threat that requires immediate intervention, officers shall employ reasonable and necessary force to protect themselves and others and take the person into protective custody.
3. If the subject is unarmed and presents no immediate threat to officers, self, or others, officers shall contain the subject while maintaining a safe distance and removing others from the scene who might be harmed.
4. Officers shall formulate a custody plan prior to making physical contact with the subject, if possible. There can be no medical intervention without custody. The object of the plan is to gain control of the person so that they may receive medical treatment. If practical, attempt to gain the subject's voluntary compliance with these tactics:
  - (a) One officer should attempt to engage the subject in conversation. Speak in a calm, confident manner and reassure the subject that you are trying to help. Speak slowly and keep speech simple and direct. Refrain from giving rapid orders or shouting.

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- (b) Attempt to have the individual sit down, which may have a calming effect. Also, refrain from making constant eye contact, which may be interpreted as threatening.
  - (c) Because of the subject's mental state, statements and questions may need to be repeated several times. The subject may be extremely fearful and confused. Be patient and reassuring, as it may take some time for them to calm down.
  - (d) If a relative or someone else who has rapport with the agitated subject can safely participate, enlist his/her assistance in trying to gain compliance. This option is to be considered if the Deputy at the scene feels it can be in a safe manner for all involved parties.
- 5. Once sufficient officers are present and the determination is made that physical force is necessary to control the subject, the custody plan must be executed quickly and with overwhelming force to minimize the intensity and duration of any resistance and to avoid a prolonged struggle. A prolonged struggle may increase the risk of sudden death. If possible, officers should ensure medical personnel are staged nearby or at the scene prior to executing the custody plan.
- 6. Officers shall take into consideration all available force options and control techniques, with the realization that Excited Delirium subjects often demonstrate unusual strength, insensitivity to pain, and an instinctive resistance to be physically restrained. Primary consideration should be given to proper application of the TASER. The TASER has proven to be effective in causing temporary neuromuscular incapacitation, providing officers with a window of opportunity to safely control and restrain the subject. Immediately upon a successful TASER application, a multi-officer team, should gain physical control and handcuff the subject while they are incapacitated by the TASER. If EMS personnel are at the scene prior to the subject being physically captured and the capture plan includes the immediate use of a sedative, the need for handcuffs may not be necessary if the subject can be controlled by the use of a sedative in a timely manner.
- 7. Once the subject is in protective custody and the scene is secured, EMS personnel should be called from the staging area. Until primary responsibility for the care of the subject is transferred to EMS personnel, officers must keep the restrained subject under constant observation. Place the subject in a supine position or on their side to maximize their ability to breathe. Continually monitor the subject's respiration and pulse, if possible. Initiate CPR, if needed, until the transfer of patient care to EMS personnel.
- 8. Officers shall coordinate with on-scene EMS personnel and transfer medical care of the subject to them, assisting in any way to avoid delay in the

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transportation of the individual to a medical facility. The subject will ultimately be transported by ambulance to an emergency medical facility for evaluation, treatment, and clearance. One or more Deputies may be assigned to accompany EMS personnel during the ambulance transport.

9. During treatment in the field or upon arrival at the emergency room, ensure that the subject's core body temperature is recorded.
10. The scene of the incident needs to be treated as a crime scene until notified otherwise by the shift supervisor or higher authority.

#### **305.6 SUPERVISOR RESPONSIBILITIES**

(a) Responsibilities:

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

# Handcuffing and Restraints

## 306.1 PURPOSE AND SCOPE

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

## 306.2 POLICY

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

## 306.3 USE OF RESTRAINTS

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

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

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

### 306.3.1 RESTRAINT OF DETAINEES

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

### 306.3.2 RESTRAINT OF PREGNANT PERSONS

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



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

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

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

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

#### **306.3.4 NOTIFICATIONS**

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

#### **306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

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

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

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

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

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

#### **306.5 APPLICATION OF SPIT HOODS**

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

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

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Deputies should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Deputies should avoid commingling those wearing spit hoods with others and detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capicum (OC) spray should be thoroughly decontaminated including hair, head, and clothing, prior to application of a spit hood.

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

#### **306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

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

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

#### **306.7 APPLICATION OF LEG RESTRAINT DEVICES**

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

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

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

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#### 306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

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

#### 306.8 REQUIRED DOCUMENTATION

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

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

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

#### 306.8.1 SCHOOL RESOURCE OFFICERS

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

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### **306.9 TRAINING**

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

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

## Control Devices and Techniques

### 308.1 PURPOSE AND SCOPE

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

### 308.2 POLICY

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

### 308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

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

### 308.4 RESPONSIBILITIES

#### 308.4.1 SHIFT COMMANDER RESPONSIBILITIES

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

#### 308.4.2 ARMORER RESPONSIBILITIES

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

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

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#### **308.4.3 USER RESPONSIBILITIES**

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Armorer or device instructor for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

#### **308.5 BATON GUIDELINES**

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

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

#### **308.6 TEAR GAS GUIDELINES**

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

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

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

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

##### **308.7.1 OC SPRAY**

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

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#### **308.7.2 PEPPER PROJECTILE SYSTEMS**

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

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

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

#### **308.7.3 TREATMENT FOR OC SPRAY EXPOSURE**

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

#### **308.8 POST-APPLICATION NOTICE**

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

#### **308.9 KINETIC ENERGY PROJECTILE GUIDELINES**

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

##### **308.9.1 DEPLOYMENT AND USE**

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

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done

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safely. The safety of hostages, innocent persons and deputies takes priority over the safety of subjects engaged in criminal or suicidal behavior.

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

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

#### 308.9.2 DEPLOYMENT CONSIDERATIONS

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

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

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

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

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

#### 308.9.3 SAFETY PROCEDURES

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



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

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

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

#### **308.10 TRAINING FOR CONTROL DEVICES**

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

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

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

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

# Conducted Electrical Weapon

## 309.1 PURPOSE AND SCOPE

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

## 309.2 POLICY

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

## 309.3 ISSUANCE AND CARRYING TASER DEVICES

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

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

Deputies shall only use the TASER device and cartridges that have been issued by the Department or a personally owned TASER device approved by the Sheriff and inspected by the Taser armorer. Uniformed deputies who have been issued the TASER device or carrying their own Taser device shall wear the device in an approved holster on their person. Approved holsters are the Blade Tech X2 Holster and the Blackhawk X2Holster. Non-uniformed deputies may secure the TASER device in the driver's compartment of their vehicle. The Sheriff or designee shall approve all department Taser devices before they are acquired and utilized by any member of this department.

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

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

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

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

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

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

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

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

#### **309.4 VERBAL AND VISUAL WARNINGS**

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

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

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

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

#### **309.5 USE OF THE TASER DEVICE**

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

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#### 309.5.1 APPLICATION OF THE TASER DEVICE

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

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

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

#### 309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

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

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

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

#### 309.5.3 TARGETING CONSIDERATIONS

Preferred target areas include the below the neck for the back of the body and below center mass for the front of the body, when reasonably practicable. Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the deputy to limit the application of the TASER device probes to

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a precise target area, deputies should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

#### **309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE**

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

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

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

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

#### **309.5.5 ACTIONS FOLLOWING DEPLOYMENTS**

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

#### **309.5.6 DANGEROUS ANIMALS**

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

#### **309.5.7 OFF-DUTY CONSIDERATIONS**

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

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

### **309.6 DOCUMENTATION**

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

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Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented in the related arrest/incident report or administrative report.

#### 309.6.1 TASER DEVICE REPORT

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

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

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

#### 309.6.2 REPORTS

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

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

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#### **309.7 MEDICAL TREATMENT**

Deputies may remove probes from a person's body unless the probe is lodged in a sensitive area or bone. If the probe is lodged in a sensitive area or bone the person should be transported to a medical facility for removal. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle and handled appropriately. Universal precautions should be taken.

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

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

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

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

#### **309.8 SUPERVISOR RESPONSIBILITIES**

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

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

##### **309.8.1 LEAD TASER INSTRUCTOR DUTIES**

The lead TASER instructor will obtain Master Instructor Certification through TASER International. The lead TASER instructor will review current Sheriff's Office Conducted Electrical Weapon (CEW)

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

#### **309.9 TRAINING**

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

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

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

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

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

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

The Training Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.



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

# Officer-Involved Shootings and Deaths

## 310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of a deputy.

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

## 310.2 POLICY

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

[See attachment: FINAL - SIRR Protocol Rev. 052118.pdf](#)

## 310.3 TYPES OF INVESTIGATIONS

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

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

## 310.4 CONTROL OF INVESTIGATIONS

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

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

### 310.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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

#### **310.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS**

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

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

#### **310.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION**

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

### **310.5 INVESTIGATION PROCESS**

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

#### **310.5.1 UNINVOLVED DEPUTIES RESPONSIBILITIES**

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

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

#### **310.5.2 SUPERVISOR RESPONSIBILITIES**

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

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
  1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any SCSO deputy to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident

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scene, identity of known or potential witnesses and any other pertinent information.

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Shift Commander and Combined Communication Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional SCSO members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
1. Each involved SCSO deputy should be given an administrative order not to discuss the incident with other involved officers or SCSO members pending further direction from a supervisor. Someone will be assigned to each involved deputy for assistance and to make sure there are no discussions of the incident with other involved deputies.
  2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other deputies.

#### 310.5.3 SHIFT COMMANDER RESPONSIBILITIES

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

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

#### 310.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

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

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- Public Information Officer
- Risk Management

#### **310.5.5 INVOLVED OFFICERS**

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
  1. Involved SCSO deputies shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
  2. Requests from involved non-SCSO officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved SCSO deputy. A licensed psychotherapist may also be provided to any other affected SCSO members, upon request.
  1. Interviews with a licensed psychotherapist will be considered privileged.
  2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
  3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) The Department will consider communications between qualified peer counselors and involved deputies to be privileged (RCW 5.60.060).

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

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

#### **310.6 CRIMINAL INVESTIGATION**

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

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

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews.

The following shall be considered for the involved officer:

- (a) SCSO supervisors and Office of Professional Standards personnel should not participate directly in any voluntary interview of SCSO deputies. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved deputies shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

#### 310.6.1 REPORTS BY INVOLVED SCSO DEPUTIES

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

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

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

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

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#### 310.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identification of all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

#### 310.6.3 INVESTIGATIVE PERSONNEL

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

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

#### 310.7 ADMINISTRATIVE INVESTIGATION

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

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

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- (a) Any deputy involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.
  - 1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of his or her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved deputy has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.
  - 2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  - 3. Administrative interviews should be recorded by the investigator. The deputy may also record the interview.
  - 4. The deputy shall be informed of the nature of the investigation. If a deputy refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
  - 5. The Office of Professional Standards shall complete all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  - 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.



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

#### **310.8 CIVIL LIABILITY RESPONSE**

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

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

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

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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

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

#### **310.10 DEBRIEFING**

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

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

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

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

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatcher, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident.

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The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Office of Professional Standards personnel.

#### **310.10.2 TACTICAL DEBRIEFING**

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

#### **310.11 MEDIA RELATIONS**

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

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

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

# Firearms

## 312.1 PURPOSE AND SCOPE

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

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

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

## 312.2 POLICY

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

## 312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Office and have been thoroughly inspected by the Firearm Instructors. No firearm shall be carried by a member who has not qualified with that firearm at an authorized office range.

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

### 312.3.1 HANDGUNS

The authorized department-issued handgun is the Glock Model 21 .45. The department also authorizes the personal-purchase and carry of the Glock Model 17 or Glock Model 19 in caliber 9mm. Handguns not issued by the department must be maintained by the Deputy in accordance with policy 312.3.5.

### EXEMPT HANDGUNS

Deputies assigned to specialty units that work in an undercover or surveillance capacity are authorized to carry a "compact" or "sub-compact" handgun in the following calibers and must have a magazine capacity of at least 8 rounds.

- (a) 9mm
- (b) .40cal
- (c) .45cal

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All exempt handguns must be inspected by a department firearms instructor and the individual must meet qualification standards with the exempt weapon.

#### 312.3.2 SHOTGUNS

The authorized office-issued shotgun is the Mossberg Model 590. The following additional shotguns are approved for on-duty use:

MAKE	MODEL	CALIBER
Mossberg	500	12 Gauge

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

#### 312.3.3 PATROL RIFLES

The authorized office-issued patrol rifle is the Colt AR-15 .223. The following additional patrol rifles are approved for on-duty use:

MAKE	MODEL	CALIBER
Colt	M-16	5.56 NATO

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

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

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

#### 312.3.4 PRECISION RIFLE

The authorized department issued precision rifle is a bolt-action .308 caliber rifle.

Deployment considerations are the same as the patrol rifle in policy section 312.3.3 listed above.

When not deployed, the precision rifle shall be properly secured with the chamber empty, magazine loaded, with the bolt forward, and the selector lever in the safe position (selector lever cannot be in the same position with the hammer released).

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#### 312.3.5 PERSONALLY OWNED DUTY FIREARMS

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

- (a) The firearm shall be in good working order and approved by a Firearms Instructor.
- (b) The firearm shall be inspected by the Firearm Instructors prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearm Instructors, who will maintain a list of the information.

#### 312.3.6 AUTHORIZED SECONDARY HANDGUN

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

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

#### 312.3.7 AUTHORIZED OFF-DUTY FIREARMS

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

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- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Firearm Instructors for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Firearm Instructors.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Firearm Instructors that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearm Instructors, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry office-authorized ammunition.
- (i) When armed, deputies shall carry their badges and Spokane County Sheriff's Office identification cards under circumstances requiring possession of such identification.

#### 312.3.8 AMMUNITION

Members shall carry only office-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms during the member's firearms qualification. Members carrying personally owned authorized firearms of a caliber differing from office-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Firearm Instructors when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from office-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

#### 312.4 EQUIPMENT

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

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#### 312.4.1 REPAIRS OR MODIFICATIONS

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

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

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

#### 312.4.2 HOLSTERS

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

#### 312.4.3 TACTICAL LIGHTS

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

Members who carry a light attached to their authorized handgun shall have a factory equipped rail handgun. The approved list of weapon lights and holsters will be maintained by the firearms staff. All holsters will accommodate the pistol with the light attached and Level II retention ability.

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

#### 312.4.4 OPTICS OR LASER SIGHTS

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

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

A K9 handler, SWAT or specialty bunker position are the only personnel permitted to use laser sights with their on-duty primary weapon. No other member may utilize laser sight with their on-duty primary weapon. Secondary weapons may have laser sights that have been examined and approved by Firearm Instructors and the member has qualified with the firearm using the laser sight.

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

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearm Instructors. Members shall not dry fire or practice quick draws except as instructed by the Firearm Instructors or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Office, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Office to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Office or a Firearm Instructors approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Firearm Instructors will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

##### **312.5.1 INSPECTION AND STORAGE**

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

Personally owned firearms may be safely stored in lockers at the end of the shift. Office-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.



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#### 312.5.2 STORAGE AT HOME

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

#### 312.5.3 ALCOHOL AND DRUGS

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

#### 312.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete semiannual training with their duty firearms. In addition to semiannual training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least annually. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

##### 312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
  - 1. Unauthorized range make-up.
  - 2. Failure to meet minimum standards or qualify after remedial training.

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

#### 312.7 FIREARM DISCHARGE

##### FIREARMS DISCHARGE

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Except during training, any member who, while on-duty, intentionally discharges any department owned firearm or less lethal impact munition, or a personally owned firearm being carried while on-duty, shall make a verbal report to a supervisor as soon as circumstances permit. Except during practice or recreational use, any member who, while off-duty, intentionally discharges any department owned firearm or less lethal munition, or a personally owned firearm being carried pursuant to their authority as a commissioned law enforcement officer, shall make a verbal report to a supervisor as soon as circumstances permit. Any discharge that results in injury or death to another person shall be investigated by the Spokane Investigative Regional Response Team in accordance with the Officer-Involved Fatal Incident Protocol. If the discharge does not result in injury or death to another person, the involved member may be compelled to provide a written or oral statement regarding the incident. If a firearm or less lethal munition was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy. With the exception of dispatching injured wildlife and training, all on-duty intentional firearms and less lethal munition discharges shall be documented by a supervisor as either a "Use of Force" or "Property Damage" Blue Team entry.

#### UNINTENTIONAL DISCHARGE

Any member, whether on or off-duty, who unintentionally discharges any department owned firearm or less lethal impact munition shall make a verbal report to his/her supervisor as soon as circumstances permit. Any member who unintentionally discharges any personally owned firearm while using or carrying it pursuant to their authority as a commissioned law enforcement officer shall make a verbal report to his/her supervisor as soon as circumstances permit. Any unintentional discharge that results in injury or death to another person shall be reported to law enforcement immediately and will be investigated by the Spokane Investigative Regional Response Team in accordance with the Officer-Fatal Incident Protocol. If the discharge does not result in injury or death to another person, the involved member may be compelled to provide a written or oral statement regarding the incident. All reportable unintentional discharges shall be documented by a supervisor as a "Firearms Discharge" in a Blue Team entry.

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

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

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

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#### **312.7.2 INJURED ANIMALS**

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

#### **312.7.3 WARNING AND OTHER SHOTS**

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

#### **312.8 FIREARM INSTRUCTORS DUTIES**

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

The range shall remain operational and accessible to office members during hours established by the Office.

The Firearm Instructors has the responsibility of making periodic inspections, at least once a year, of all duty weapons carried by deputies of this office to verify proper operation. The Firearm Instructors has the authority to deem any office-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until inspected and approved by the Firearm Instructors.

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

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

#### **312.9 FLYING WHILE ARMED**

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

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.

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- (b) Deputies must carry their Spokane County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Spokane County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Spokane County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.
- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Deputies should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

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

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

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

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- (d) The deputy will remain subject to this and all other office policies (including qualifying and training).

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

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

# QUICKCLOT PRODUCTS

## 313.1 PURPOSE AND SCOPE

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

## 313.2 POLICY

Personnel who have completed Sheriff's Office approved training may be issued the Individual First Aid Kit (IFAK) that contains a C-A-T-T tourniquet, QUICKCLOT Combat Gauze, combat dressing, 4x4 dressing, roll of gauze, tape, shears, gloves, and CPR shield for use during their current assignment. Deputies shall only use the C-A-T-T/SOF-T, tourniquets, and QUICKCLOT products that have been issued by the Sheriff's Office.

Personnel issued C-A-T-T/SOF-T tourniquets and QUICKCLOT product will carry these items on their person while on duty.

## 313.3 APPLICATION

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

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

## 313.4 TRAINING

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

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

## 313.5 MAINTENANCE

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

## 313.6 RESPONSIBILITIES

### 313.6.1 TRAINING SERGEANT

The Training Sergeant will be responsible for the issuing of the IFAKs, and shall see that QUICKCLOT® products, tourniquets, combat dressings, tape, gauze, gloves, and CPR shields are provided to replace opened, damaged, defective, or expired products.

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### 313.6.2 SUPERVISORS

Supervisors shall inspect IFAKs for damage, defects, or expiration during quarterly inspections. Supervisors will ensure that Deputies write a report detailing any use of tourniquets, QUICKCLOT combat gauze, or combat dressings.

### 313.6.3 DEPUTIES

Deputies will carry a C-A-T-T tourniquet and one pack of QUICKCLOT combat gauze on their person while on duty. Deputies will write a detailed report documenting use of tourniquets or QUICKCLOT combat gauze. Deputies will ensure the contents of their IFAK are maintained in serviceable condition at all times.

# Vehicle Pursuits

## 314.1 PURPOSE AND SCOPE

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

### 314.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

**Trail** - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

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

## 314.2 POLICY

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

## 314.3 DEPUTY RESPONSIBILITIES

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



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

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

#### 314.3.1 WHEN TO INITIATE A PURSUIT

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

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

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (d) The pursuing deputies' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and the dispatcher/supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.
- (e) Weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked sheriff's office vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

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

#### 314.3.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

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

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#### 314.3.3 DAMAGE TO SHERIFF'S VEHICLE DURING PURSUIT

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

#### 314.4 PURSUIT VEHICLES

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

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

A deputy or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the number of suspects. All other deputies shall stay out of the pursuit but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

##### 314.4.1 MOTORCYCLES

When involved in a pursuit, sheriff's office motorcycles should be replaced by marked emergency vehicles as soon as practicable.

##### 314.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Deputies operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Deputies in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those deputies should discontinue such support immediately upon arrival of a sufficient number of authorized emergency sheriff's office vehicles or any air support.

##### 314.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

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

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

- (a) The location, direction of travel and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.

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- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

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

#### **314.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES**

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

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

#### **314.5 PURSUIT DRIVING**

The decision to use specific driving tactics requires the same assessment of the factors the deputy considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for deputies who are involved in the pursuit:

- (a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available deputies not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing deputies should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.

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- (c) As a general rule, deputies should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
  - 1. Request assistance from available air support.
  - 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
  - 3. Request other deputies to observe exits available to the suspect.
- (d) Notify the Washington State Patrol or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Deputies involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing deputy and with a clear understanding of the maneuver process between the involved deputies.

#### 314.5.1 PURSUIT TRAILING

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

#### 314.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide deputies and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If deputies on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

#### 314.5.3 DEPUTIES NOT INVOLVED IN THE PURSUIT

Deputies who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those deputies should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the sheriff's office vehicle.

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

#### **314.6 SUPERVISORY CONTROL AND RESPONSIBILITIES**

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

The field supervisor of the deputy initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

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

##### **314.6.1 SHIFT COMMANDER RESPONSIBILITIES**

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

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

#### **314.7 COMBINED COMMUNICATION CENTER**

If the pursuit is confined within the County limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves

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

#### **314.7.1 RESPONSIBILITIES**

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

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

#### **314.8 LOSS OF PURSUED VEHICLE**

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

#### **314.9 INTERJURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary pursuing deputy or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing deputy or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

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

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

The roles and responsibilities of deputies at the termination point of a pursuit initiated by this office shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

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Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this office, the other agency should relinquish control.

#### **314.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Deputies from this office should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, a deputy from this office may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

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

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

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

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

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

#### **314.10 PURSUIT INTERVENTION**

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



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#### 314.10.1 WHEN USE IS AUTHORIZED

Whenever practicable, a deputy shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, deputies/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the deputies and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the deputy at the time of the decision.

#### 314.10.2 USE OF FIREARMS

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

#### 314.10.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Deputies shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

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

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there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

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

#### **314.11 CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing deputy should coordinate efforts to apprehend the suspect following the pursuit. Deputies should consider the safety of the public

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and the involved deputies when formulating plans for setting up perimeters or for containing and capturing the suspect.

#### **314.12 REPORTING REQUIREMENTS**

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

- (a) The primary pursuing deputy shall complete appropriate crime/arrest reports.
- (b) The primary pursuing deputy or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a supervisor's log or interoffice memorandum, briefly summarizing the pursuit to the Sheriff or the authorized designee. This log or memorandum should include, at a minimum:
  - 1. Date and time of the pursuit.
  - 2. Initial reason and circumstances surrounding the pursuit.
  - 3. Length of pursuit in distance and time, including the starting and termination points.
  - 4. Involved vehicles and deputies.
  - 5. Alleged offenses.
  - 6. Whether a suspect was apprehended, as well as the means and methods used.
    - (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
  - 7. Arrestee information, if applicable.
  - 8. Any injuries and/or medical treatment.
  - 9. Any property or equipment damage.
  - 10. Name of supervisor at the scene or who handled the incident.
  - 11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
- (d) After receiving copies of reports, logs and other pertinent information, the Sheriff or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.
- (e) Annually, the Sheriff should direct a documented review and analysis of office vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

#### **314.13 REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary training on pursuits, all deputies will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle

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safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others.

#### **314.14 POLICY REVIEW**

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

## Deputy Response to Calls

### 316.1 PURPOSE AND SCOPE

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

#### 316.1.1 RESPONSE DEFINITIONS AND CODES

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

### 316.2 POLICY

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

### 316.3 RESPONSE TO CALLS

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

#### 316.3.1 EMERGENCY CALLS

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

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

- (a) When in pursuit or apprehending a violator or suspected violator.

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

If a deputy believes an emergency response to any call is appropriate, the deputy shall immediately notify the dispatcher. Deputies not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

#### **316.4 REQUESTING EMERGENCY ASSISTANCE**

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

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

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

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the dispatcher.

#### **316.5 SAFETY CONSIDERATIONS**

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

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

##### **316.5.1 NUMBER OF DEPUTIES ASSIGNED**

The number of deputies assigned to respond to an emergency call or request for assistance should be limited to that which is reasonably necessary.

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#### **316.6 EMERGENCY EQUIPMENT**

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Deputies in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those deputies should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

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

#### **316.7 DEPUTY RESPONSIBILITIES**

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

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

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

#### **316.8 COMBINED COMMUNICATION CENTER**

When information reasonably indicates that the public is threatened with serious injury or death, or a deputy requests emergency assistance and immediate law enforcement response is needed, the dispatcher shall assign an emergency response and ensure acknowledgement and response of handling and assisting deputies.

##### **316.8.1 RESPONSIBILITIES**

Upon notification or assignment of an emergency response, the dispatcher is responsible for:

- (a) Confirming the location from which the deputy is responding or requesting assistance.
- (b) Attempting to assign the closest available assisting deputies to the location of the emergency call.
- (c) Continuing to obtain and broadcast information as necessary concerning the response and monitoring the situation until it is stabilized or terminated.

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- (d) Notifying and coordinating allied emergency services (e.g., fire, emergency medical services).
- (e) Notifying the Shift Commander as soon as practicable.
- (f) Controlling all radio communications during the emergency and coordinating assistance under the direction of the Shift Commander or field supervisor.

#### **316.9 OPTICOM SYSTEM**

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

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

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

##### **316.9.1 USE OF OPTICOM PROCEDURE**

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

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



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- Opticom is not to be used to respond to cold calls. Use of the Opticom system is limited to:
  - Responding to In-progress calls.
  - Responding to calls where there is a concern for the safety of citizens or other law enforcement officers.

#### **316.10 SUPERVISOR RESPONSIBILITIES**

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

- (a) The proper response has been initiated.
- (b) No more than those deputies reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

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

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

When making the decision to authorize an emergency response, the Shift Commander or the field supervisor should consider:

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

# Canines

## 318.1 PURPOSE AND SCOPE

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

## 318.2 POLICY

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

## 318.3 ASSIGNMENT

Canine teams shall be assigned to the Patrol Division to function primarily as a Patrol Deputy.

## 318.4 CANINE COORDINATOR

The canine coordinator shall be appointed by Canine Unit supervisory staff and shall manage the activities of the Canine Program. The Unit Coordinator is directly responsible to the canine unit supervisory staff.

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

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

## 318.5 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from office units outside of the Patrol Division shall be reviewed by the Shift Commander.

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#### 318.5.1 OUTSIDE AGENCY REQUEST

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

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

#### 318.5.2 PUBLIC DEMONSTRATIONS

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

### **318.6 APPREHENSION GUIDELINES**

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

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

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

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

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Commander. Absent a change in circumstances that present an imminent threat to deputies, the canine or the public, such canine use should

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be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

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

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler shall promptly command the canine to release the suspect.

#### 318.6.1 PREPARATION FOR DEPLOYMENT

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

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

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

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

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

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

#### 318.6.2 WARNINGS AND ANNOUNCEMENTS

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

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

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

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

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

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

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

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply.

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

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#### **318.7.1 ARTICLE DETECTION**

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

#### **318.7.2 NARCOTICS DETECTION**

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

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

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

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

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

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

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

#### **318.8 HANDLER SELECTION**

The minimum qualifications for the assignment of canine handler include:

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

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

### **318.9 HANDLER RESPONSIBILITIES**

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

The canine handler will be responsible for the following:

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

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

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

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

#### **318.10 HANDLER COMPENSATION**

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

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

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

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

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

#### **318.12 TRAINING AND CERTIFICATION**

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

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

All canine training should be conducted while on-duty unless otherwise approved by the canine supervisor.

##### **318.12.1 CONTINUED TRAINING**

Each canine team shall be recertified to current CJTC standards. A canine team's certification will automatically expire if the handler and canine originally paired at the time of certification are no longer working together, or if the function for which the team was certified changes (WAC 139-05-915). Additional training considerations are as follows:

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



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

#### 318.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

#### 318.12.3 TRAINING RECORDS

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

#### 318.12.4 TRAINING AIDS

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

#### 318.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

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

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

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

#### 318.12.6 CONTROLLED SUBSTANCE PROCEDURES

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

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

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- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator and supervisor shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Facility or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

#### 318.12.7 EXPLOSIVE TRAINING AIDS

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

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

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

# Domestic Violence

## 320.1 PURPOSE AND SCOPE

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

### 320.1.1 DEFINITIONS

Definitions related to this policy include:

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

## 320.2 POLICY

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

### 320.2.1 DEPUTY PROTECTION FROM LIABILITY

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

## 320.3 OFFICER SAFETY

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

### 320.3.1 MANDATORY ARRESTS

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

- (a) An order has been issued of which the person has knowledge under RCW 26.44.063, or Chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 restraining the person

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and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person.

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

#### 320.3.2 DUAL ARRESTS

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

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

#### 320.3.3 RELEASE

Once a suspect has been arrested under the provisions of RCW 10.31.100(2) the suspect shall be taken to Detention Services. Deputies have no authority to subsequently release the

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arrested person and any post incarceration release decision will be the responsibility of corrections personnel.

#### **320.3.4 PROTECTIVE ORDER VIOLATIONS**

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

#### **320.3.5 TENANCY ISSUES**

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

#### **320.4 INVESTIGATIONS**

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

- (a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, deputies should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

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

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9. Location of the incident (public/private).
  10. Speculation that the complainant may not follow through with the prosecution.
  11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.
- (k) Unless doing so would jeopardize the criminal investigation, the victim should be apprised of investigative plans such as when the suspect or witnesses are going to be interviewed and any plans for making an arrest.

#### 320.4.1 HOSPITALIZED VICTIM

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

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

#### 320.4.2 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim to contact the prosecutor's office to determine if any court order was issued.

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

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

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

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#### 320.4.4 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

- (a) Advise the parties of any options, including but not limited to:
  - 1. Voluntary separation of the parties.
  - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

#### **320.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Deputies should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the office's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Refer the victim to the YMCA Legal Line (509) 477-3656, where legal advocates can assist during the normal hours of court. Or, the victim can call (509) 326-CALL, the domestic violence Hotline, which is on the Crime Victim Card.

##### 320.5.1 RECORDING INJURIES AND STATEMENTS

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

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



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#### **320.5.2 OTHER EVIDENCE**

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

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

#### **320.6 DISPATCH ASSISTANCE**

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

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

#### **320.6.1 VICTIM'S RIGHTS**

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

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

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

#### **320.7 FOREIGN COURT ORDERS**

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

#### **320.7.1 RECORD-KEEPING RESPONSIBILITIES**

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

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

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

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

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

#### **320.9 STANDARDS FOR ARRESTS**

Deputies investigating a domestic violence report should consider the following:

- (a) The primary duty of deputies when responding to a domestic violence situation is to enforce the laws allegedly violated and to protect the complaining party (RCW 10.99.030(5)).
- (b) When a deputy responds to a domestic violence call and has probable cause to believe that a crime has been committed, he/she shall make an arrest pursuant to the criteria in RCW 10.31.100 and RCW 10.99.030(6)(a).
- (c) When a deputy has confirmed that a valid court order exists and has probable cause to believe the defendant has violated that order, the deputy shall make a physical arrest (RCW 10.99.055; RCW 10.31.100(2)). Whenever a member of this office serves or assists in serving a court order and that service is completed, a return of service form shall be completed and submitted to the Washington Crime Information Center (WACIC).

#### **320.10 DV LETHALITY ASSESSMENT**

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

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

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

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

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

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

- (a) There is reason to believe that there has been an assault or threats to cause harm, or an act that constitutes Domestic Violence to include Reckless Endangerment, Harassment, Burglary, Criminal Trespass, Kidnapping, Unlawful Imprisonment, DVOPV with Threats or Harassment, Drive-by Shooting, Rape, Stalking, Interference with reporting of domestic violence whether or not there is probable cause to make an arrest; Or
- (b) There is belief on the part of the deputy that once the victim is no longer in the care or presence of the deputy the potential for assault or danger is high; OR
- (c) Names of parties or location are repeat names or locations; OR
- (d) The first responder believes, based on their training and experience that one should be conducted.

LAP Field Manual is attached:

[See attachment: DV Lethality Assessment Program Revised 09.21.17.pdf](#)

#### **320.11 COURT ORDERS**

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

## Search and Seizure

### 322.1 PURPOSE AND SCOPE

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

### 322.2 POLICY

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

The Office will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

### 322.3 SEARCHES

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

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

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

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

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

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

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

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

#### **322.4 SEARCH PROTOCOL**

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

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

#### **322.5 DOCUMENTATION**

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

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

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

## Temporary Custody of Juveniles

### 324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Spokane County Sheriff's Office (34 USC § 11133).

#### 324.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

Examples of secure custody include:

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

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

**Status offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

#### **324.2 POLICY**

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

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

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

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

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

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

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

#### **324.4 ADVISEMENTS**

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

#### **324.5 JUVENILE CUSTODY LOGS**

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

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Spokane County Sheriff's Office.



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- (c) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (d) Any changes in status.
- (e) Time of all welfare checks.
- (f) Any medical and other screening requested and completed.
- (g) Circumstances that justify any secure custody.
- (h) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

#### **324.6 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

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

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

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

- (a) The Shift Commander should be notified if it is anticipated that a juvenile may need to remain at the Spokane County Sheriff's Office more than four hours. This will enable the Shift Commander to ensure no juvenile is held at the Spokane County Sheriff's Office more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal visual checks and significant incidents/activities shall be noted on the log.
- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.
- (f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.

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

#### **324.8 USE OF RESTRAINT DEVICES**

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

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

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

#### **324.9 PERSONAL PROPERTY**

The deputy taking custody of a juvenile offender or status offender at the Spokane County Sheriff's Office shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

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

#### **324.10 SECURE CUSTODY**

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

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

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

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

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

#### **324.10.1 LOCKED ENCLOSURES**

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

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

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

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

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

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

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- (b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the Prosecuting Attorney.
- (e) Evidence preservation.

#### **324.12 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

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

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

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

#### **324.14 RELEASE OF INFORMATION CONCERNING JUVENILES**

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

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

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

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

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

## Adult Abuse

### 326.1 PURPOSE AND SCOPE

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

#### 326.1.1 DEFINITIONS

Definitions related to this policy include:

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

### 326.2 POLICY

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

### 326.3 MANDATORY NOTIFICATION

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

For purposes of notification (RCW 74.34.020):

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

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- (d) Is admitted to any facility as defined in RCW 74.34.020 (assisted living facility, nursing home or other facility licensed by DSHS).
- (e) Is receiving services from an individual provider or licensed home health, hospice or home care agency.
- (f) Self-directs his/her own care and receives services from a personal aide under RCW 74.39.001 et seq.

#### **326.3.1 NOTIFICATION PROCEDURE**

Notification should occur as follows (RCW 74.34.035):

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

#### **326.4 QUALIFIED INVESTIGATORS**

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

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

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#### **326.5 INVESTIGATIONS AND REPORTING**

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

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

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

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

#### **326.6 PROTECTIVE CUSTODY**

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

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

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

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

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

In any situation which a deputy reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy should make an attempt to obtain a protective order against the person alleged to have committed or threatened such abuse pursuant to RCW 74.34.110; RCW 74.34.210; or other applicable statutes.

### **326.7 INTERVIEWS**

#### **326.7.1 PRELIMINARY INTERVIEWS**

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

#### **326.7.2 DETAINING VICTIMS FOR INTERVIEWS**

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

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

### **326.8 MEDICAL EXAMINATIONS**

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



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

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

#### **326.9 DRUG-ENDANGERED VICTIMS**

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

##### **326.9.1 SUPERVISOR RESPONSIBILITIES**

The Investigative Division supervisor should:

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

##### **326.9.2 DEPUTY RESPONSIBILITIES**

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

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

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

Washington requires or permits the following:

##### **326.10.1 ARREST WITHOUT WARRANT**

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

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#### 326.10.2 RECORDS DIVISION RESPONSIBILITIES

The Records Division is responsible for:

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

#### 326.10.3 RELEASE OF REPORTS

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

#### **326.11 TRAINING**

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

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

# **Discriminatory Harassment**

## **328.1 PURPOSE AND SCOPE**

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

## **328.2 POLICY**

The Spokane County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Office will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Office will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

## **328.3 DISCRIMINATION PROHIBITED**

### **328.3.1 DISCRIMINATION**

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or office equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to office policy and to the office's commitment to a discrimination free work environment.

### **328.3.2 SEXUAL HARASSMENT**

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

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Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

#### **328.3.3 ADDITIONAL CONSIDERATIONS**

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Washington State Human Rights Commission.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with County or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

#### **328.3.4 RETALIATION**

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

#### **328.4 RESPONSIBILITIES**

This policy applies to all office personnel. All members shall follow the intent of these guidelines in a manner that reflects office policy, professional law enforcement standards and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Sheriff, Director of Human Resources or the Chief Operations Officer.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

#### **328.4.1 SUPERVISOR RESPONSIBILITY**

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure their subordinates understand their responsibilities under this policy.
- (d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Sheriff in writing of the circumstances surrounding any reported allegations or observed acts of discrimination/harassment no later than the next business day.

#### **328.4.2 SUPERVISOR'S ROLE**

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the Office and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.

#### **328.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated.

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The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

#### **328.5.1 SUPERVISORY RESOLUTION**

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

#### **328.5.2 FORMAL INVESTIGATION**

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

The member assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, Director of Human Resources, or the Chief Operations Officer.

#### **328.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

#### **328.6 NOTIFICATION OF DISPOSITION**

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

#### **328.7 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

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- Approved by the Sheriff, Chief Operations Officer or the Director of Human Resources, if more appropriate.
- Maintained for the period established in the office's records retention schedule.

### **328.8 TRAINING**

All new employees shall be provided with training on discriminatory harassment as part of their orientation. This training is handled during the county orientation process.

#### **328.8.1 QUESTIONS OR CLARIFICATION**

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, manager, the Sheriff, Director of Human Resources or the Chief Operations Officer for further information, direction or clarification.

# Child Abuse

## 330.1 PURPOSE AND SCOPE

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

### 330.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

## 330.2 POLICY

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

## 330.3 MANDATORY NOTIFICATION

Members of the Spokane County Sheriff's Office shall notify CPS when a report of abuse or neglect of a child is received or when there is reasonable cause to believe that a child has suffered abuse or neglect (RCW 26.44.030).

For purposes of notification, abuse or neglect of a child includes sexual abuse, sexual exploitation, or injury inflicted by any person under circumstances that cause harm to the child's health, welfare or safety, excluding lawful discipline, or the negligent treatment or maltreatment by a person who is responsible for, or providing care to, a child (RCW 26.44.020).

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

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

### 330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (RCW 26.44.030(5)):

- (a) In emergency cases, notification to CPS should be made immediately when the child's welfare is endangered but in all such cases within 24 hours.



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- (b) In non-emergency cases, notification to CPS shall be made within 72 hours after a report is received.
- (c) Notification, when possible, should include (RCW 26.44.040):
  - 1. The name, address and age of the child.
  - 2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
  - 3. The nature and extent of the alleged injury or injuries.
  - 4. The nature and extent of the alleged neglect.
  - 5. The nature and extent of the alleged sexual abuse.
  - 6. Any evidence of previous injuries, including the nature and extent of the injury.
  - 7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.
- (d) The Office shall forward all case dispositions to CPS.

#### **330.3.2 RELEASE OF REPORTS**

Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to Policy § 810. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under RCW Chapter 74.15 (RCW 26.44.020(19)).

#### **330.4 QUALIFIED INVESTIGATORS**

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

- (a) Conduct interviews in child appropriate interview facilities, in emergency situations the interview may be conducted elsewhere.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present cases of alleged child abuse to the prosecutor for review whenever the investigation reveals a crime may have been committed.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (RCW 26.44.180 et seq.)

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### **330.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Applicable local protocol regarding child abuse investigations (RCW 26.44.180 et seq.).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant) and crime against persons unit supervisor shall be notified.

### **330.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the deputy should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

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

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

Children may only be removed from a parent or guardian in the following situations (RCW 26.44.050):

- (a) A court order has been issued authorizing the removal of the child.
- (b) There is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order (e.g., the child could be taken and concealed).
- (c) When a deputy places a child into protective custody under this policy, the deputy shall write a complete report to include the CPS worker's name and contact information, child's name, parent's name(s), and CPS case number. The deputy's report shall detail the reason for the removal of the child and who the deputy released the child to.

#### **330.6.1 SAFE HAVEN LAW**

A parent is not guilty of abandonment when leaving a newborn 72 hours old or younger with a qualified person at the emergency department of a licensed hospital or a fire station while personnel are present (RCW 13.34.360). The qualified person shall notify CPS. CPS shall assume custody of the newborn.

#### **330.7 INTERVIEWS**

Child Interviews must be recorded, excluding interviews/statements that are obtained during exigent circumstances. In addition, children who are victims of abuse/sexual assault under the age of 10 should only be interviewed by a Child Forensic Interview Specialist. With children from 10-12 years old, you must consult with your sergeant prior to the interview. For details, see the attached Spokane County Sheriff's Office Child Abuse Investigation Protocol.

[See attachment: SC Child Abuse Investigations Protocol - FINAL 2019.pdf](#)

#### **330.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation.

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When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

#### **330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

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

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

#### **330.7.3 TRAINING REQUIREMENT**

Only those personnel who have successfully completed WSCJTC sponsored training in interviewing child victims of sexual abuse should participate in or conduct such interviews of children under 10 years of age; or of those developmentally delayed. These interviews should be conducted in compliance with the training standards established under (RCW 43.101.224), and the Spokane County Child Abuse Investigative Protocol.

Where the child is between the ages of 10 and 12, patrol deputies must contact a law enforcement supervisor prior to the interview.

Cases, where immediate action is required to determine the nature of the complaint, and the access safety issues when a Child Interview Specialist is unavailable, may be handled by the responding deputies.

#### **330.8 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

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#### **330.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

##### **330.9.1 SUPERVISOR RESPONSIBILITIES**

The Investigative Division Supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Investigative Division Supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

##### **330.9.2 DEPUTY RESPONSIBILITIES**

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

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

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

Washington requires or permits the following:

##### **330.10.1 RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 42.56.240).

##### **330.10.2 ARREST WITHOUT WARRANT**

When a deputy responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause that a crime has been committed, or the deputy responds to a call alleging that a temporary restraining order or preliminary injunction has

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been violated, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.44.130).

#### **330.10.3 CASE SUBMISSION TO PROSECUTOR**

The Spokane County Sheriff's Office shall forward all cases of child abuse to the appropriate prosecutor when a crime may have been committed and (RCW 26.44.030):

- (a) A child has died or has had a physical injury.
- (b) Injuries were inflicted upon a child other than by accidental means.
- (c) A child has been subjected to alleged sexual abuse.

#### **330.10.4 AGENCY COORDINATION**

If this office responds to a complaint of alleged child abuse and discovers that another agency has also responded to the complaint, this office shall notify the other agency of its presence. The agencies shall coordinate the investigation and keep each other apprised of progress (RCW 26.44.035).

#### **330.10.5 LOCAL CHILD ABUSE PROTOCOLS**

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

#### **330.10.6 CONFLICT OF INTEREST IN INVESTIGATIONS**

A deputy shall not participate as an investigator in a child abuse case concerning a child for whom he/she is, or has been, a parent, guardian or foster parent (RCW 26.44.190).

#### **330.10.7 POSTING OF MANDATED REPORTER REQUIREMENTS**

The Shift Commander shall ensure that the Department of Social and Health Services poster regarding mandated reporting requirements for child abuse and neglect is posted in a member common area (RCW 26.44.030).

### **330.11 TRAINING**

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Availability of victim advocate or guardian ad litem support.
- (f) Availability of a Child Advocacy Center (CAC)

# Missing Persons

## 332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

### 332.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC) and the Washington Crime Information Center (WACIC).

## 332.2 POLICY

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

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

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

The a Crimes Against Person supervisor shall ensure the following forms and kits are developed and available:

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

### **332.4 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

### **332.5 INITIAL INVESTIGATION**

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

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 13 years of age or younger or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 13 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
  1. Immediately, when the missing person is at risk.
  2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.



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

### **332.6 REPORT PROCEDURES AND ROUTING**

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

#### **332.6.1 SUPERVISOR RESPONSIBILITIES**

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

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

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

#### **332.6.2 RECORDS DIVISION RESPONSIBILITIES**

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

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

#### **332.7 INVESTIGATIVE DIVISION FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph.
  - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

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

#### 332.7.1 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED

When a person reported missing has not been found within 30 days of the report or at any time when criminal activity is suspected, the handling detective shall contact the county coroner or medical examiner to determine if that office has any information concerning the missing person. If, after conferring with the coroner or medical examiner, the person is still determined to be missing, the handling deputies shall:

- (a) File a missing person's report with MUPU.
- (b) Initiate the collection of biological samples from the known missing person and his/her family members for nuclear and mitochondrial DNA testing along with the necessary consent forms, if not previously obtained during the investigation.
- (c) Ask the missing person's family or next of kin to give written consent to request the person's dental records.
  - 1. Whenever possible, obtain diagnostic quality copies or original records of the missing person's dental records. As soon as possible, biological samples shall be submitted to the appropriate lab; dental records shall be submitted to MUPU (RCW 43.43.751; RCW 68.50.320).

In all missing person cases, the assigned detective should attempt contact with the reporting party no less than every 30 days in order to verify the status of the reported missing person. After 12

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months, contact with the reporting party should be attempted yearly. All verifications should be reported to WSP via A Central Computerized Enforcement Service System (ACCESS).

#### **332.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The Records Manager should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to MUPU.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MUPU.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

#### **332.8.1 UNIDENTIFIED PERSONS**

Office members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

#### **332.9 CASE CLOSURE**

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

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Spokane or this office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

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- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

#### **332.10 TRAINING**

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

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

#### **332.11 ADVISORY PLANS**

##### **Missing Person Safety Advisory Plan**

The Missing Person Safety Advisory plan is for abducted children and also for vulnerable persons such as Alzheimer's patients that are in danger of serious bodily harm. This plan accommodates

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slightly lower alert situations and is activated using the Safety Advisory procedures as well as an email dissemination process. The Missing Person Safety Advisory plan may be activated independently whenever law enforcement determines activation of EAS is not necessary, such as during a situation with a lost Alzheimer patient. The Spokane County Sheriff's Office is an active participant. Other participants are the Spokane Police Department, Operation Family I.D., and the Inland Northwest Operational Emergency Alert System. To start the process, with the help of an S.C.O.P.E. volunteer, a photograph of a participating person is taken on a digital camera. This camera writes the picture to a floppy disk. Once the picture is taken, the disk is sent home with the parent(s) or participating individual. An information card that includes an accurate description of the person and a set of his/her fingerprints accompanies the disk. This information can then be made available to deputies responding to a missing person call. The implementation of the plan is as follows:

- (a) A deputy responding to a report of a missing person will ask the reporting person if they are participating in the Operation Family ID plan.
- (b) After a search has been conducted and the missing person has not been found, a deputy will ask for the information packet on the missing person. The information packet will be taken to the dispatch center, and the dispatch center will distribute the information to participating media by both fax and e-mail. The fax message will contain a description of the missing person and a notification to look for a forthcoming e-mail. Inside the information packet will be a diskette containing a color photo of the missing person, which will be attached to the e-mail. It is intended that television and radio stations broadcast safety advisories on missing persons.

#### **MISSING PERSON SAFETY ADVISORY PLAN ACTIVATION CRITERIA**

The Inland Northwest Local Emergency Communications Committee (LECC) has also approved the use of these procedures to relay information to the media and others on missing children or persons such as Alzheimer patients. This will be accomplished using the "Safety Advisory" procedures. The criteria for activation will be as follows:

- (a) The missing child must be of an age where he or she is unable to care for himself or herself or for a person of any age with proven mental or physical disability, and
- (b) Law enforcement officials must believe the missing child or vulnerable person is in danger of serious bodily harm or a victim of criminal intent.

The Spokane County Sheriff's Office Combined Dispatch Center or Kootenai County 911 Dispatch Center will forward information on the missing person, and a picture if available, to the media and others using a FAX for initial notification and then followed by an email.

If there is a possible need for Search and Rescue operations the Emergency Operations Deputy will be notified to evaluate the situation and determine what response will be taken. If Search and Rescue operations are needed the Emergency Operations Deputy will notify the DEM duty officer for implementation of their protocol.

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### **ALZHEIMER PATIENTS AND THE "CARE TRACK DEVICE"**

Time is of the essence when searching for Alzheimer patients. They may be extremely fit or seriously ill, but in either case they have a diminished mental capacity. A system has been devised where by some Alzheimer patients have purchased a bracelet containing a radio transmitter, which is known as the Care Track Device. Because its range is limited, all frequency information concerning the Care Track Device will be relayed as soon as possible. When receiving a call of a missing Alzheimer patient, the caller will be asked if the patient is wearing a Care Track Device.

- (a) If the patient is wearing a device and the frequency is known then immediately relay the information to the dispatch center. The dispatch center will immediately notify the Emergency Operations Deputy. The Emergency Operations Deputy will evaluate the situation to determine what response will be taken. If Search and Rescue operations are needed the Emergency Operations Deputy will notify the DEM duty officer for implementation of their protocol.
- (b) If the patient is wearing the device and the frequency is not known then get the person's name and date of birth. This information will be relayed immediately to the dispatch center. The dispatch center will immediately notify the Emergency Operations Deputy who will evaluate the situation to determine what response will be taken. If Search and Rescue operations are needed the Emergency Operations Deputy will notify the DEM duty officer for implementation of their protocol.
- (c) If the patient is not wearing the device the call will be handled as a missing persons call and the Missing Person Safety Advisory plan may be activated.

## Public Alerts

### 334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 334.3 RESPONSIBILITIES

#### 334.3.1 MEMBER RESPONSIBILITIES

Members of the Spokane County Sheriff's Office should notify their supervisor, Shift Commander or Investigative Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

#### 334.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES

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

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



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#### **334.4 WASHINGTON STATEWIDE AMBER ALERT™ PLAN**

The AMBER Alert™ Plan is a voluntary partnership between law enforcement, state government agencies, broadcasters and other participants to rapidly disseminate information to enhance the public's ability to assist in recovering abducted children (RCW 13.60.010).

The Spokane County Sheriff's Office participates in this partnership and may initiate an AMBER Alert to disseminate information to the public when the criteria for an AMBER Alert are met.

##### **334.4.1 ALERT CRITERIA**

The following criteria must exist prior to requesting an AMBER Alert:

- (a) The child is under 18 years of age and is known to have been abducted. The child is not a runaway or a throw-away child.
- (b) The abducted child is believed to be in danger of death or serious bodily injury.
- (c) The AMBER Alert activation should occur within four hours of the qualifying event unless circumstances or the timeliness of the information warrant otherwise.
- (d) There must be enough descriptive information to believe that an AMBER Alert activation will assist in the recovery of the child, including:
  - 1. Where the abduction took place.
  - 2. A physical description of the child: height, weight, age, hair color and length, eye color, clothing worn when the child was last seen, and any distinguishing physical characteristics.
  - 3. A physical description of the abductor: height, weight, age, hair color and length, eye color, clothing worn when the suspect last seen, and any distinguishing physical characteristics.
  - 4. Place last seen.
  - 5. Description of the vehicle: color, make, model, license number, approximate year.
- (e) The incident must be reported to and investigated by a law enforcement agency.

##### **334.4.2 PROCEDURE**

Should the Watch Supervisor or supervisor determine that the incident meets the criteria of the Washington Statewide AMBER Alert Plan, the Watch Supervisor or supervisor should:

- (a) Collect the information required by the plan.
- (b) Contact the Combined Communication Center to request an activation of the Washington Statewide AMBER Alert Plan and the Portal.
  - 1. The Combined Communication Center or designee initiates the state AMBER Alert process at the request of local law enforcement and notifies the Washington State Department of Transportation (WSDOT), Emergency Management

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Division (EMD) and Washington State Patrol ACCESS (A Central Computerized Enforcement Service System).

2. The Combined Communication Center or designee provides AMBER Alert cancellation notification to WSDOT, EMD and ACCESS.
- (c) Provide the information required in the plan.
  - (d) Designate or assume the role of point of contact.

#### **334.4.3 INITIAL NOTIFICATIONS**

Upon initiation of an AMBER Alert, the Shift Commander or supervisor shall:

- (a) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and National Crime Information Center (NCIC) databases.
- (b) Promptly notify the Sheriff and the appropriate Division Commander of any AMBER Alert activation.
- (c) Ensure the preparation of an initial press release that includes all the information required by the Washington Statewide AMBER Alert Plan, and any other available information that might aid in locating the child, such as:
  1. A photograph.
  2. Detail regarding location of incident, direction of travel, potential destinations, etc., if known.
  3. Name and telephone number of the Public Information Officer or other authorized point of contact to handle media and law enforcement liaison.
  4. A telephone number and point of contact for the public to call with leads or information.

#### **334.4.4 POST-INCIDENT REPORTING**

The Sheriff shall be responsible for submitting the AMBER Alert Report to the Washington State Police Chiefs (WASPC) in a timely fashion. The Sheriff or the authorized designee shall be responsible for representing the Department during the AMBER Alert Review Committee's after-action review of the alert.

#### **334.5 ENDANGERED MISSING PERSON ADVISORY**

The Endangered Missing Person Advisory is a voluntary partnership between law enforcement, other government agencies and local broadcasters to rapidly disseminate information to law enforcement agencies, the media and the public about a missing and endangered person in circumstances that do not qualify for an AMBER Alert (RCW 13.60.050).

The Spokane County Sheriff's Office participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of

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an Endangered Missing Person. An endangered missing person advisory may be termed a "silver alert" when initiated to assist in the recovery of a missing endangered person age 60 or older.

#### 334.5.1 ADVISORY CRITERIA

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

- (a) The person is missing under unexplained, involuntary or suspicious circumstances.
- (b) The person has a developmental disability, is a vulnerable adult or is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance. This also includes a person diagnosed as having Alzheimer's disease or other age-related dementia (RCW 13.60.010).
- (c) There is enough information that could assist the public in the safe recovery of the missing person (e.g., photo or description, clothing worn when last seen, vehicle, location last seen).
- (d) The incident has been reported to and investigated by a law enforcement agency.

#### 334.5.2 PROCEDURE

Should the Shift Commander or supervisor determine that the incident meets the criteria of an Endangered Missing Person Advisory, the Shift Commander or supervisor should:

- (a) Ensure that department protocol is followed regarding approval of the alert.
- (b) Ensure all appropriate documentation is completed.
- (c) Contact the WSP Communication Center for entry into LEAP.
- (d) Direct Records Division personnel to enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).
- (e) Notify Combined Communication Center of the advisory and ensure that it is prepared to handle a high volume of telephone calls.
- (f) Ensure that the handling deputy attempts to obtain a photograph of the missing person and/or suspect as soon as possible.
- (g) Direct the Records Division to enter the photograph into WACIC and NCIC, then send an email to the WSP Missing Persons Unit (MPU).
- (h) Appoint a Public Information Officer to handle the media.
  - 1. The Public Information Officer should notify the media through appropriate channels regarding the Endangered Person Advisory. Upon request, the WSP MPU can provide electronic posters with details of the missing person.
  - 2. If the Endangered Missing Person is 21 years of age or younger, NCMEC should be notified as soon as practicable.

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- (i) The Records Division personnel should promptly cancel the advisory after an Endangered Missing Person is located by sending an administrative message through A Central Computerized Enforcement Service System (ACCESS), noting that the person has been found.

#### **334.6 BLUE ALERTS**

The Blue Alert system is a voluntary cooperation between law enforcement, state government agencies and local broadcasters to enhance the public's ability to assist in locating and apprehending persons suspected of killing or seriously injuring a law enforcement officer (RCW 10.108.030).

The Spokane County Sheriff's Office participates in this partnership and may initiate a Blue Alert to disseminate information to the public when the criteria for a Blue Alert are met.

##### **334.6.1 CRITERIA**

All of the following criteria are required to exist prior to initiating a Blue Alert (RCW 10.108.030):

- (a) The suspect has not been apprehended.
- (b) The suspect poses a serious threat to the public.
- (c) Sufficient information is available to disseminate to the public to assist in locating and apprehending the suspect.
- (d) The release of the information will not compromise the investigation.
- (e) The release of the information will not improperly notify a deputy's next of kin.

##### **334.6.2 PROCEDURE**

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

- (a) Direct Records Division personnel to prepare a Blue Alert administrative message through ACCESS. The words, "Blue Alert Advisory" should be included in the title of the message.
- (b) Contact WSP Communications to verify that the advisory was received and, if available, provide the suspect's vehicle information and request the Washington Department of Transportation (WSDOT) to activate variable message signs.
- (c) Ensure that descriptive information about the suspect, the suspect's whereabouts and the suspect's method of escape is disseminated.
- (d) Appoint a Public Information Officer to issue press releases and handle media inquiries.
  - 1. The Public Information Officer should be updated continually and be in constant contact with all media outlets to obtain maximum media exposure, provide updates and cancel the Blue Alert when appropriate.

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- (e) Advise Combined Communication Center of the Blue Alert and ensure that it is prepared to handle a high volume of telephone calls.
- (f) Ensure that a press release is issued cancelling the Blue Alert.

### **334.7 OTHER RESOURCE CONSIDERATIONS**

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

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

# Victim Witness Assistance

## 336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

## 336.2 POLICY

The Spokane County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Spokane County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

## 336.3 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written office material or available victim resources.

### 336.3.1 RIGHT OF IMMEDIATE MEDICAL ASSISTANCE

Victims have the right to immediate medical assistance and should not be detained for an unreasonable length of time before having such assistance administered. The deputy may accompany the victim to a medical facility to question the victim about the criminal incident if the questioning does not hinder the administration of medical assistance (RCW 7.69.030(9)).

## 336.4 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

# Hate Crimes

## 338.1 PURPOSE AND SCOPE

This office recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this office will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of this office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

## 338.2 DEFINITIONS

Except where otherwise noted, the following definitions are provided per RCW 9A.04.110:

**Bodily injury, physical injury or bodily harm** - Physical pain or injury, illness, or an impairment of physical condition.

**Malice and maliciously** - To import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

**Reasonable person** - A member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same mental, physical, or sensory handicap as the victim (RCW 9A.36.080).

**Sexual orientation** - Heterosexuality, homosexuality, bisexuality and gender expression or identity. As used in this definition, gender expression or identity means having or being perceived as having a gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth (RCW 49.60.040).

**Threat** - To communicate, directly or indirectly, the intent to cause bodily injury immediately or in the future to any other person or to cause physical damage immediately or in the future to the property of another person.

## 338.3 CRIMINAL STATUTES

### 338.3.1 MALICIOUS HARASSMENT

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

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

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

#### **338.3.2 PRIMA FACIE ACTS OF HATE**

Prima facie acts of hate are (RCW 9A.36.080):

- (a) Burning a cross on property of a victim who is or whom the actor perceives to be of African American heritage.
- (b) Defaces property of a victim who is or whom the actor perceives to be of Jewish heritage by defacing the property with a swastika.

#### **338.3.3 THREATS TO BOMB OR INJURE PROPERTY**

It is unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated (RCW 9.61.160).

#### **338.3.4 FEDERAL JURISDICTION**

The federal government has the power to investigate and prosecute bias-motivated violence by giving the U.S. Department of Justice jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

#### **338.4 CIVIL STATUTES**

In addition to the criminal penalty provided in RCW 9A.36.080 for committing a crime of malicious harassment, the victim may bring a civil cause of action for malicious harassment against the harasser. A person may be liable to the victim of malicious harassment for actual damages, punitive damages of up to ten thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action (RCW 9A.36.083).

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

While it is recognized that not all crime can be prevented, this office is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups about hate crime laws.



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#### **338.6 PROCEDURE FOR INVESTIGATING HATE CRIMES**

Whenever any member of this office receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Deputy(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned deputy(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.
- (d) The assigned deputy(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (e) Depending on the situation, the assigned deputy(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.
- (f) The assigned deputy(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned deputy(s) before the end of the shift.
- (g) The assigned deputy(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

##### **338.6.1 INVESTIGATIVE DIVISION RESPONSIBILITY**

If a case is assigned to the Investigative Division, the assigned detective will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the County Prosecutor and other appropriate law enforcement agencies, as appropriate.
- (b) Maintain contact with the victim(s) and other involved individuals as needed.
- (c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Washington Association of Sheriff's and Police Chiefs (WASPC) (RCW 36.28A.030).

#### **338.7 TRAINING**

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

## Standards of Conduct

### 340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

This policy applies to all employees (full- and part-time), reserve deputies and volunteers.

### 340.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

#### 340.2.1 PROGRESSIVE DISCIPLINE

The administration of discipline is generally expected to be progressive in nature, with relatively minor violations of rules resulting in minor disciplinary action for first offenders. Repetitive similar violations, or more serious violations, would generally result in progressively more serious forms of discipline being administered.

Nothing in this policy is intended to preclude the administration of more serious forms of discipline, including termination, for a first offense when warranted by the seriousness of the offense.

### 340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

#### 340.3.1 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

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- (d) Failure to notify the Department within 24 hours of any change in residence address or home phone number.
- (e) Failure to comply with attendance-related policies.

#### 340.3.2 CONDUCT

- (a) Any conduct tending to destroy public respect and confidence in the operation of police services or the efficiency of the Sheriff's Office. Deputies shall conduct themselves at all times both on and off duty in such a manner as to reflect favorably on the department. Conduct unbecoming an officer shall include that which brings the department into disrepute or reflects discredit upon the deputy as a member of the department or that, which impairs the operation or efficiency of the department or any deputy or employee.
- (b) Vice and organized crime investigations place a heavy burden on law enforcement personnel. All personnel will at all times conduct themselves in a professional manner. They will stay alert to the possibilities and consequences of corruption. No criminal acts will be tolerated.
- (c) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.
- (d) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.
- (e) Using Departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records
- (f) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (g) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through unreasonable carelessness or maliciousness.
- (h) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (i) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (j) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt gain influence or authority for non-departmental business or activity (RCW 9A.80.010)
- (k) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without

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the expressed authorization of the Sheriff or his/her designee may result in discipline under this policy.

- (l) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Sheriff.
- (m) Discourteous or disrespectful treatment of any member of the public while on duty or discourteous or disrespectful treatment of any member of this department or another law enforcement agency while on or off duty.
- (n) Unwelcome solicitation of a personal or sexual relationship while on or off-duty or through the use of official capacity.
- (o) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.
- (p) Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:
  - 1. Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

#### 340.3.3 DISCRIMINATION

- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.
- (b) Violation of Departmental or County policies prohibiting discrimination and harassment.

#### 340.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Failure to promptly disclose to an immediate supervisor the use of any over-the-counter or prescription medication containing a controlled substance which have warning labels or notices which have reported side effects that could reasonably be expected to affect the ability of the employee to safely perform the essential functions of the job.

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- (d) Reporting for work or being at work following the use of a controlled substance or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.
- (e) Unauthorized possession, use of, or attempting to bring a controlled substance or illegal drug to any work site.
- (f) Committing any violation of departmental policies related to the possession, use or consumption of drugs or alcohol.
- (g) The unauthorized or illegal manufacture, distribution, dispensation, possession or use of alcohol or a controlled substance while on the job or on County property or in a County vehicle is prohibited and could lead to discipline up to and including discharge.

#### 340.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without reasonable and bona fide excuse.
- (d) Concealing or attempting to conceal defective work, removing, destroying or otherwise concealing it without permission.
- (e) Disobedience or insubordination including refusal or deliberate failure to carry out or follow any proper order from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.

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- (k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with each of the policies contained herein.
- (n) Work related dishonesty, including attempted or actual theft of department property, services or the property of others.
- (o) Unauthorized removal or possession of Departmental property or the property of another employee.
- (p) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship (on or off duty)
- (q) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report, form, or during the course of any work-related investigation.
- (r) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.
- (s) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knows or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.
- (t) Offer or acceptance of a bribe or gratuity.
- (u) Misappropriation or misuse of public funds.
- (v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (w) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

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- (x) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in, or are continuing to engage in, serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
- (y) Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on duty, on department property, or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Sheriff.
- (z) Engaging in political activities during assigned working hours except as expressly authorized by the Sheriff.
- (aa) Violating any misdemeanor or felony statute.
- (ab) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
- (ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ad) Failure to maintain required and current licenses (e.g. driver's license) and certifications.
- (ae) False or misleading statements to a supervisor or other person in a position of authority in connection with any investigation or employment-related matter.
- (af) Failure to comply with the oath of office and agency policies, including the duty to be truthful and honest in the conduct of official business.

#### 340.3.6 SAFETY

- (a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain physical condition sufficient to safely perform all essential functions of the law enforcement position held.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.

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- (f) Engaging in any serious or repeated violation of departmental safety standards or safe working practices.
- (g) Any personal action or inaction resulting in the unintentional discharge of any department owned firearm, less lethal munition or TASER, or any personally owned firearm used or carried pursuant to their authority as a commissioned police officer at the time of the discharge.

#### 340.3.7 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

#### 340.3.8 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.
- (b) Failure of a supervisor to timely report known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

### **340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS**

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020, Collective Bargaining Agreement and RCW 41.14.120.

- (a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service pursuant to RCW 41.14.120, shall be removed, suspended, demoted or discharged except for cause, and only upon:
  - 1. Written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the civil service commission.
- (b) In the event the conduct in question is potentially criminal in nature, the employee shall be provided with and required to sign a "Garrity" notice. In an administrative investigation of criminal conduct if an employee is compelled to provide testimony a Garrity notice shall be issued and signed.

#### 340.4.1 WRITTEN REPRIMANDS

An employee wishes to formally appeal a written reprimand should follow their applicable collective bargaining agreement appeal process. Non-represented employee should follow the applicable civil service process.



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#### **340.4.2 REMOVALS, SUSPENSIONS, AND DEMOTIONS**

After such investigation the civil service commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of, or reemployment of, such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.

The civil service commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer (RCW 41.14.120).

#### **340.5 POST INVESTIGATION PROCEDURES**

##### **340.5.1 DIVISION COMMANDER RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Division Commander of the involved employee shall review the entire investigative file, the employee's personnel file and any other available materials identified as relevant to the investigation.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

- (a) Prior to forwarding recommendations to the Sheriff, the Division Commander may return the entire investigation to the assigned detective or supervisor for further investigation or action.
- (b) When forwarding any written recommendation to the Sheriff, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.
- (c) Violation or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in office or county manuals.

##### **340.5.2 RESPONSIBILITIES OF THE SHERIFF**

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials.

The Sheriff may modify any recommendations and/or may return the file to the Division Commander for further investigation or action.

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- (a) In the event disciplinary action is recommended, which, if implemented, would result in the deprivation of a property or liberty interest, the Sheriff shall provide the employee with written (*Loudermill*) notice of the following information:
  - 1. Specific charges set forth in separate counts, describing the conduct underlying each count.
  - 2. A separate recommendation of proposed discipline for each charge.
  - 3. A statement that the employee has been provided with or given access to all of the materials considered by the Sheriff in recommending the proposed discipline.
  - 4. An opportunity to respond orally or in writing to the Sheriff within five days of receiving the *Loudermill* notice.
  - 5. A statement that the employee is entitled to union representation, if represented by a union.
- (b) Upon a showing of good cause by the employee, the Sheriff may grant a reasonable extension of time for the employee to respond.
- (c) If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.
  - 1. The *Loudermill* response is not intended to be an adversarial or formal hearing.
  - 2. Although the employee may be represented by an uninvolved representative or legal counsel, the *Loudermill* response is not designed to accommodate the presentation of testimony or witnesses.
  - 3. The employee, union, or attorney representing the employee, may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
  - 4. In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
  - 5. The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issue(s) of information raised in any subsequent materials.
  - 6. Once the employee has completed his/her *Loudermill* response or, if the employee has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline.

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7. Once the Sheriff has issued a written decision, the discipline shall become effective.

#### **340.5.3 RELATIONSHIPS**

Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

#### **340.5.4 ATTENDANCE**

- (a) Excessive absenteeism or abuse of leave privileges.

#### **340.6 EMPLOYEE RESPONSE**

- (a) Any person so removed, suspended, demoted or discharged may within ten days from the time of his/her removal, suspension, demotion or discharge, file with the civil service commission a written demand for an investigation, whereupon the commission shall conduct such investigation (RCW 41.14.120).
- (b) The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith for cause.
- (c) After such investigation the civil service commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of, or reemployment of, such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.
- (d) The civil service commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay.
- (e) The findings of the civil service commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.
- (f) All investigations made by the civil service commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity to appear in person and by counsel, and to presenting his/her defense.

If such judgment or order be concurred in by the commission or a majority thereof, the accused may:

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1. Appeal there from to the court of original and unlimited jurisdiction in civil suits of the county wherein he/she resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court.
2. The civil service commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: Provided, however, that such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

#### **340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline. Any such tender will be evaluated to determine whether that action renders any further investigation or action moot.

#### **340.8 POST LOUDERMILL PROCEDURE**

In situations in which the imposed discipline amounts to a written reprimand or less, the employee's right to formally respond shall be limited to the aforementioned Loudermill process and the appeal process detailed in 340.41. In situations resulting in the imposition of a suspension, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Sheriff's imposition of discipline pursuant to the operative memorandum of understanding (MOU), Policy Manual § 1006 and RCW 41.14.120 or applicable collective bargaining provisions.

#### **340.9 NOTIFICATION TO CJTC CERTIFICATION BOARD**

Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify CJTC on a personnel action report form provided by the commission. The agency of termination shall, upon request of CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation of the peace officer's certification (RCW 43.101.135).

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#### **340.10 POSTING OF DISCIPLINARY ACTION**

Internal disclosure of administrative disciplinary action will occur only when there has been a sustained finding and the discipline imposed is equal to or greater than 40 hours without pay.

- Any disclosure will include the name of the deputy or employee being disciplined.
- A summary of all violations that the employee is being disciplined for.
- The discipline imposed.

The method of notification will consist of a memorandum of disciplinary action issued by the Office of Professional Standards to each department head and Lieutenant. Each Lieutenant will make a reasonable effort to read the memorandum to each member under their command and return it to the Office of Professional Standards within the listed time parameter.

# Information Technology Use

## 342.1 PURPOSE AND SCOPE

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

### 342.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

## 342.2 POLICY

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

## 342.3 PRIVACY EXPECTATION

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

The Office reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Office, including the office email system, computer network and/or any information placed into storage on any office system or device. This includes records of all keystrokes or Web-browsing history made at any office computer or over any office network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through office computers, electronic devices or networks.

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

#### **342.4 RESTRICTED USE**

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

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

##### **342.4.1 SOFTWARE**

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

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

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

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

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

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

##### **342.4.2 HARDWARE**

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

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#### **342.4.3 INTERNET USE**

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

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

#### **342.4.4 OFF-DUTY USE**

Members shall only use technology resources provided by the Office while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access office resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

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

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

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

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

#### **342.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Office involving one of its members or a member's duties, an alleged or suspected violation of any office policy, a request for disclosure of data, or a need to perform or provide a service.



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## *Information Technology Use*

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The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the office computer system when requested by a supervisor or during the course of regular duties that require such information.

## Electronic Recovery and Access to Data (ERAD)

### 343.1 PURPOSE AND SCOPE

This policy provides Spokane County Sheriff's Office personnel guidance in the use of a Payment Card Interrogation System (PCIS) to process detained credit, debit, retailer cards, and Prepaid Access Devices (PADs) so that Deputies may, in accordance with the law, reliably interrogate these devices to obtain card information from Credit, Debit, and ATM Cards (CDACs), and establish the balance. The purpose of the PCIS is to facilitate the identification of CDACs that may have been stolen or compromised and seizure of PAD funds through the legal process when probable cause exists to do so as part of an active criminal investigation.

### 343.2 POLICY

It is the policy of the Spokane County Sheriff's Office that Deputies may utilize a PCIS when such use is appropriate in the performance of their official duties where the detention and interrogation of PADs and CDACs is consistent with this policy and in accordance with the law.

### 343.3 PROCEDURES

#### 343.3.1 ADMINISTRATION

PCISs will be used only in conjunction with official law enforcement duties where probable cause exists to believe that, absent intervention, the funds associated with a PAD could be moved or transferred by someone other than the authorized agency personnel. Deputies will use information garnered from PCISs to support their application for legal documents (i.e., search warrants, subpoenas etc.).

#### 343.3.2 GENERAL PROCEDURES

The Spokane County Sheriff's Office has adopted the use of PCISs to accomplish several objectives.

- A. By the use of PCISs it allows for Deputies to immediately determine if PADs have been cloned with stolen card information, or is part of an identity theft scheme.
- B. PCISs allow for accurate determination of the value assimilated with a PAD, enhancement of Deputies' report, and prevention of loss or destruction of evidence associated to the PAD.
- C. The PCISs will show the balance of funds associated with an Open Loop (i.e., Visa, MasterCard, American Express etc.) PAD, the PCIS report can be used in assisting the Deputy in the search warrant application process, to seize said evidence stored on the PAD. Placing a hold on a Closed Loop PAD (i.e., debit cards, prepaid debit cards, retailer cards etc.) can be done via submitting a request to the appropriate retailer via proper court documentation (Search Warrant). PCIS produces information / a report with necessary information to support cases made as a result of PCAIS use.

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- D. Once a seizure warrant or civil asset seizure paperwork has been submitted and served upon the appropriate financial institution the Deputy will make arrangements to take possession of said funds for placement on property as evidence or as part of a civil forfeiture case. On Closed Loop cards the legal paperwork (search warrant / civil asset seizure paperwork) would need to be submitted to the appropriate retailer who will then transfer the funds to the Spokane County Sheriff's office designated Investigator / representative for retention as evidence.

#### **343.3.3 PROCEDURE TO USE THE PCIS FOR INTERROGATION**

Deputies will activate and utilize the PCIS only after probable cause is established to believe CDACs and PADs may be involved in an illegal or illicit activity. Only authorized personnel may use the PCIS.

#### **GUIDELINES FOR USING THE PCIS**

- A. PCIS equipment is issued to personnel as authorized by the Spokane County Sheriff's Office.
- B. Deputies shall not use APCISs obtained from a sources other than the Spokane County Sheriff's Office without prior approval of the Spokane County Sheriff's Office
- C. Deputies who are assigned PCISs must complete Spokane County Sheriff's Office approved and or provided training program to ensure proper use and operation.
- D. PCIS equipment is the responsibility of individual Deputies and should be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the Deputies Supervisor as soon as possible so that a replacement unit may be procured.
- E. Deputies shall inspect and test the PCIS equipment as least once each month to verify proper functionality and shall notify their Supervisor of any problems
- F. Deputies shall not disseminate PCIS information outside of the law enforcement and judicial entities, without prior written authorization and approval of their Supervisor.

## Electronic Reporting

### 344.1 PURPOSE AND SCOPE

The accurate and timely reporting of police reports and information is a primary function and duty of law enforcement. The appropriate use of technology in accomplishing that function requires standard usage and policy. While this policy is specific to the New World product, the principles and practices should be extended to any electronic method of report documentation

### 344.2 DEFINITIONS

New World - A "Client/Server" relational database computer program. This program allows you to write, collect, store, sort, and retrieve report data for cases and then print the case information onto forms or reports.

LERMS (Law Enforcement Records Management System) – This is the database where NW reports are stored.

Module – The New World Mobile program uses modules for different tasks the program can perform. Field Reports, Call List, Vehicle (running vehicles via NCIC) and People (running names through NCIC and LERMS) are their own modules in the mobile platform.

NIBRS (National Incident Based Reporting System): An incident-based reporting system used by law enforcement agencies for collecting and reporting data on crimes. NIBRS data is collected in field reports and NIBRS reports are generated in LERMS.

Report Status: A report can be viewed in any state or "STATUS":

1. WORK IN PROGRESS – The author has not yet submitted the report for approval
2. SUBMITTED – The report has been submitted for approval to a Supervisor
3. UNDER REVIEW – The report is being reviewed by a Supervisor
4. ACCEPTED – The report has been approved and is waiting to be Merged
5. MERGED – The report passed Merge error checks and has been stored in LERMS
6. REJECTED – A Supervisor has returned the report to the author for correction
7. M-REJECTED – The report did not pass Merge error checks and was returned to the Supervisor Approval queue

Review Groups – Review Groups are created using filters in the New World report writing module. These filters allow supervisors to view only the reports for their division, unit or precinct.

Virtual Sticky Notes – "Sticky Notes" allow supervisors, merge operators, and report writers to attach temporary notes to specific fields in a report form. This allows communication between report writers and report reviewers regarding the content of that field. Sticky Notes are designed by New World to automatically be deleted during the merge process.

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Urgent Field – In both case report and supplemental report forms is a drop-down menu labeled “Urgent”. When “In Custody”, “Urgent” or “Missing/Settled” are selected, records is flagged that the report is a priority and needs to be merged into LERMS immediately.

#### **344.3 ELECTRONIC REPORTING**

All deputies serving in the Patrol Division are expected to be proficient in the use of the New World report-writing module, and will be required to attend New World training prior to writing any reports.

Deputies should complete incident reports as soon as practical. If a deputy is unable to complete a report immediately, they can save it to be completed later (see Policy Manual § 344.6, delayed reporting writing). Delayed reporting beyond the shift necessitates supervisory approval.

#### **344.4 DISTRIBUTING REPORTS**

The Records Division will continue to be the main source for the distribution of police reports. No copies or incomplete or pending reports will be used as a work product. If the SPD Records Division, Investigations or Administration needs a copy of one of these reports, a supervisor will be notified.

#### **344.5 WRITING REPORTS**

- (a) When a deputy has completed a report, they will submit that report for supervisor approval. Only the submitting deputy can alter a report that has not been approved by a supervisor.
- (b) Deputies who are assigned laptops will take all necessary precautions to prevent unauthorized use when not on duty. This includes but is not limited to locking the computer (Ctrl/Alt/Del – “Lock this computer”) with a password when not in use or logging off and powering down the laptop. To prevent theft, deputies will not leave their laptops in their patrol vehicle (or any other vehicles) when off duty, unless the laptop is locked in the car dock and the key removed.
- (c) When multiple deputies are writing reports for the same incident, only the primary officer will write the original case report. If an arrest was made, only the primary officer will list the charges in his/her report. All other officers will use the supplement form located in the report module.
- (d) During and at the end of every shift, deputies will check that there are no incomplete or returned reports. All arrest reports must be approved by a supervisor prior to the end of the deputy’s shift.

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### *Electronic Reporting*

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- (e) Urgent box selection:
  - 1. If a case report includes an in-custody arrest, the Urgent box shall be marked as "In Custody"
  - 2. If a case or supplemental report includes information related to a missing person entry or recovery, the Urgent box shall be marked as "Missing/Settled"
  - 3. The following report types shall be marked as urgent in all case and supplemental reports:
    - (a) Assault (serious felony with suspect info or any DV)
    - (b) Child or elder abuse
    - (c) Homicide, Negligent Homicide and Manslaughter
    - (d) Kidnapping or attempted kidnapping
    - (e) Luring (adult or child)
    - (f) Sex crimes
    - (g) WACIC/NCIC (entries/recovery of vehicles, plates or guns with serial numbers)WACIC
  - 4. Deputies and/or Supervisors can mark a report as urgent outside the above listed cases if they feel it warrants the urgent flag.
  - 5. It is the primary responsibility of the report writer to select the correct Urgent box entry. Supervisors will check the Urgent box during the approval process. If the box is set incorrectly, supervisors may return the report for correction or they may change the selection during the approval process.

#### **344.6 APPROVAL PROCESS**

- (a) Supervisors will review submitted reports for the New World review group they are responsible for. Supervisors should review reports periodically during their shift and approve or return as many submitted reports as possible before the end of their shift.
- (b) If reports are correct and complete, the supervisors will approve the report.
- (c) Supervisors will electronically return insufficient reports to the officer. The supervisor will use the report module virtual "sticky notes" to inform the deputy of the additional information needed to complete the report. To expedite the return process, the approving supervisor is encouraged to notify the officer via Chat, email or phone call that his/her report is being returned
- (d) If an arrest report is to be returned and the deputy cannot be reached, the supervisor reviewing the report will create a Case Supplement report explaining the reason the report is insufficient prior to approving the insufficient report. The reviewing supervisor will notify the deputy's supervisor that the officer left prior to getting the arrest report approved.

## *Electronic Reporting*

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### **344.7 CORRECTING APPROVED REPORTS**

- (a) It is not the responsibility of the Records Division to determine the correct report number needed for a case. If a Records Specialist cannot determine information needed for processing a report, a commissioned supervisor should be contacted to resolve the situation.
  - 1. Critical reports requiring immediate attention, include but are not limited to homicides, arrests, hate crimes, missing persons, or any other report marked Urgent, will be referred to any available on-duty supervisor (patrol, investigations, etc.) for immediate corrections so that the report can be processed.
  - 2. The SPD Records Specialist will then attach a sticky note and M-Reject the report back to the supervisor queue.
  - 3. Supervisors receiving an M-Rejected report from the Records Division complete an error check on the report to read the sticky note and the reason for the report rejection. Supervisors are responsible to ensure deputies make the necessary corrections the first day they are available. If the deputy will be unavailable for more than two weeks, supervisors will contact records for further instructions.
  - 4. For minor NIBRS or other statistical corrections (not related to offenses or narratives), supervisors may make the necessary corrections or return the report back to the reporting deputy for correction.

# Report Preparation

## 345.1 PURPOSE AND SCOPE

Report preparation is a major part of each deputy's job. The purpose of reports is to document sufficient information to refresh the deputy's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

### 345.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

## 345.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate office-approved form unless otherwise approved by a supervisor.

### 345.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
  - 1. Use of Force Policy



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2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reports Policy

- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the office-approved alternative reporting method (e.g., dispatch log).

#### 345.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

- (a) Any time a deputy points a firearm at any person.
- (b) Any use of force against any person by a member of this office (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms Policy).
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).
- (e) Any found property or found evidence.
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (h) All protective custody detentions.
- (i) Suspicious incidents that may place the public or others at risk.
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

#### 345.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. A deputy handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides

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- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician in attendance within 36 hours preceding death).
- (e) Found dead bodies or body parts.

#### 345.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

#### 345.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this office shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

#### 345.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
  - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle prowls with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims

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to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

#### **345.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all deputies and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

#### **345.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the employee for correction as soon as practical. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

#### **345.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution should not be modified or altered except by way of IBR Reporting Correction.

#### **345.6 ARREST REPORTS**

All arrest reports will be completed prior to the end of shift. These reports include all custodial and non-custodial arrests and traffic infractions/criminal citations. With supervisor approval, arrest reports may be completed during the deputy's next duty shift.

#### **345.7 REPORTS ADDRESSING PROPERTY**

All reports addressing property will be completed prior to the end of shift. However, with prior approval from the Shift Supervisor certain reports addressing property may be held and accomplished on the deputy's next duty day.

#### **345.8 STOLEN VEHICLE REPORTS AND RECOVERIES**

When taking a stolen vehicle report, deputies will enter the victim's/responsible party's contact telephone numbers onto the report form. The victim will be informed if the vehicle is located and the owner/responsible party cannot be contacted or is unable to respond within thirty minutes the vehicle will be towed at the owner's expense. Prior to clearing the call the deputy will inform the communications center of the confirmed stolen vehicle. All stolen vehicle reports will be completed prior to the end of shift.

##### **345.8.1 RECOVERED STOLEN VEHICLES**

When a stolen motor vehicle is recovered, it is the primary duty of the deputy to secure the vehicle and any valuable items contained in it. The vehicle will be checked for evidence. If evidence is found it will be identified and taken to the property room. Unless needed for evidence, all motor vehicles will be released to the owner, or towed at the owner's expense as authorized by RCW

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46.55.113. If the motor vehicle is to be held as evidence or for further processing, the deputy will advise his/her supervisor. The supervisor will approve or disapprove the impound. If approved, the Sheriff's Office contract tow will be used. A report will be written detailing the location where the motor vehicle was found, the condition of the vehicle, if evidence was found, and if the vehicle was impounded, or released to its owner. The report will also include a detailed list and description of all items removed from the vehicle.

If the report number on the original report is from the SPD/SCO Records Management System (RMS) a face sheet is not needed regardless of originating agency. Rather, the recovering officer will record the recovery and preliminary investigation using a Stolen Vehicle Recovery form or electronic form and any other additional suspect, witness, property or additional forms that are needed to completely document the incident.

If the report number on the original report is not from RMS, a face sheet will be needed and a new report number will be assigned. Other forms in addition to the face sheet will be used as needed to completely document the recovery and preliminary investigation. The report number that originated from an agency outside of RMS will be listed in the body of the recovery report. The originating agency will be listed along with that number.

#### **345.9 GENERAL REPORTS**

All general reports not addressing property should be completed prior to the end of shift. With supervisor approval, completion can be delayed past 24 hours.

##### **345.9.1 HOLDING REPORTS**

If it becomes evident it will be impossible to complete all work on time, the deputy will notify his/her supervisor immediately, and request approval to complete the report at a later time. With supervisor approval, completion can be delayed past 24 hours. Held reports will be entered into the "held report log" and the log will be monitored. Reports submitted late due to laziness, inattention to duty or not in compliance with the "held report log" policy will be grounds for disciplinary action.

##### **345.9.2 SUBMISSION OF REPORTS**

Upon the completion of reports and infractions/citations the deputy will submit them for supervisor review by placing them in the appropriate location or by submitting them electronically.

##### **345.9.3 ROUTING OF REPORTS**

All reports and infractions/citations reviewed by the supervisor will be submitted to the City/County Records Section and supervisors shall also route electronic reports to the appropriate Investigative Unit. Reports alleging criminal conduct by members of the Spokane County Sheriff's Office will be submitted to the City/County Records Section for appropriate distribution with copies forwarded to the Sheriff and the member's division commander.

##### **345.9.4 ADDITIONAL REPORTS**

Additional reports will be completed prior to the end of the shift, unless a supervisor approves holding the report. Additional reports will be written whenever:

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- (a) The deputy is part of a crime scene investigation, to include search, protection or assisting in any way.
- (b) The deputy uses force on a person, assists in a use of force incident, or is present at a use of force incident.
- (c) The deputy is involved in a vehicle pursuit whether directly or indirectly (such as paralleling or responding to the area or scene as a part of the apprehension team).
- (d) The deputy is conducting a follow-up investigation whether the investigations produces positive or negative results.
- (e) The deputy provides transport for an arrested person or a person detained for mental health reasons.
- (f) The deputy collects, seizes, transports or otherwise has control of property whether the property is placed in the evidence room or not.
- (g) The deputy conducts any investigation (including checking a location for a missing or runaway person) at the direction of dispatch.
- (h) The deputy is directed to do so by a supervisor.

## Media Relations

### 347.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 347.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Division Commanders, Shift Commanders, Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

#### 347.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated office media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this office make any comment or release any official information to the media without prior approval from a supervisor or the designated office media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this office.
- (c) Under no circumstance should any member of this office make any comment(s) to the media regarding any law enforcement incident not involving this office without prior approval of the Sheriff.

### 347.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should

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### Media Relations

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be coordinated through the office Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (c) No member of this office who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Sheriff and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Office members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

#### 347.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

#### 347.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Office will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Shift Commander. When requested, additional information may be made available (RCW 42.56.070(1)). This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

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- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this office unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiners Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated office media representative, the Public Records Officer, or if unavailable, to the Shift Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56.001 et seq.).

#### 347.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this office (see the Records Maintenance and Release and Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained.

#### 347.4.2 RELEASE OF INFORMATION REGARDING INTERNAL AFFAIRS

Only the Sheriff or authorized representative may release information concerning Internal Affairs investigations or actions.



## Subpoenas and Court Appearances

### 349.1 PURPOSE AND SCOPE

This policy establishes the guidelines for office members who must appear in court. It will allow the Spokane County Sheriff's Office to cover any related work absences and keep the Office informed about relevant legal matters.

### 349.2 POLICY

Spokane County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

### 349.3 SUBPOENAS

Only office members authorized to receive a subpoena on behalf of this office or any of its members may do so.

A subpoena may be served upon a member by personal service, placing a copy in employees mail box, or by leaving such copy at the place of his/her residence (Civil Rules, CR 45; Civil Rules, CRLJ 45; Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

Criminal subpoenas may also be served upon a member by first-class mail in a limited criminal matter. A criminal subpoena in Superior Court may be served by first-class mail together with a waiver of personal service and instructions for returning such waiver to complete service (Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

#### 349.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the Prosecuting Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Spokane County Sheriff's Office.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Spokane County Sheriff's Office.

The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

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No member shall be retaliated against for testifying in any matter.

#### **349.3.2 CIVIL SUBPOENA**

The Office will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Office should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

#### **349.3.3 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

#### **349.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

#### **349.5 STANDBY**

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Office.

If a member on standby changes his/her location during the day, the member shall notify the designated office member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

#### **349.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

- (a) Be punctual when appearing in court and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the office "Class A" uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

##### **349.6.1 TESTIMONY**

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

#### **349.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

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### 349.7.1 EXPERT WITNESS

Employees are not to testify as an expert witness or request or accept any fees for appearing in court without authorization from the Sheriff or designee.

## Reserve Deputies

### 351.1 PURPOSE AND SCOPE

The Spokane County Sheriff's Office Reserve Unit was established to supplement and assist regular sworn sheriff's deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels.

### 351.2 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The Spokane County Sheriff's Office shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

#### 351.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular sheriff's deputies before appointment (RCW 43.101.095).

Before appointment to the Sheriff's Reserve Unit, an applicant must have completed, or be in the process of completing, a CJTC approved basic academy or reserve academy (WAC 139-05-810).

#### 351.2.2 APPOINTMENT

Applicants who are selected for appointment to the Sheriff's Reserve Unit shall, on the recommendation of the Sheriff, be sworn in by the Sheriff and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

The Spokane County Sheriff's Office shall immediately notify the CJTC of appointments on a CJTC personnel action report form (WAC 139-05-810).

#### 351.2.3 COMPENSATION FOR SHERIFF'S RESERVE DEPUTIES

Compensation for reserve deputies is provided as follows:

Reserve deputies will wear the same uniform or type of clothing as regular deputies assigned to the same unit. Reserve deputies provide/purchase their own uniform and provide for regular upkeep and cleaning. Reserve deputies will not wear their uniforms, or any part thereof, except when participating in Sheriff's Office authorized activities.

Reserve deputies will be equipped by the Sheriff's Office the same as regular deputies performing like functions or activities. Reserve deputies will not use Sheriff's Office issued equipment except when participating in events approved by the Sheriff's Office. The following equipment and documents will be provided by the Sheriff's Office.

- (a) Approved firearm
- (b) Approved ammunition. This ammunition will not be used for target practice. Only ammunition issued by the Sheriff's Office is to be used on duty.
- (c) Badges, include cloth badges

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- (d) Department rules/regulations and policy/procedure manuals
- (e) Personal protective equipment

Reserve deputies are responsible for the proper maintenance and care of equipment issued to them. No modifications of issued firearms or other equipment is permitted. All repairs or modifications to firearms will only be done by an authorized Sheriff's Office armorer. Reserve deputies will turn in their equipment when it is unserviceable or upon termination or resignation from the reserve program. Reserve deputies shall receive a yearly uniform allowance as the reserve budget allows and monetary compensation may be authorized for some events by the Sheriff or designee.

#### **351.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES**

Qualified employees of this department, when authorized, may also serve as reserve deputies. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention deputy working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult the Civil Service prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

#### **351.3 DUTIES OF RESERVE DEPUTIES**

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Patrol Division. Reserve Deputies will not be used to meet minimum staffing requirements for shift assignments. Reserve deputies may be assigned to other areas within the Department as needed. Reserve deputies are required to work a minimum of 16 hours per month or 32 hours in a two month period. In addition to the minimum hours required, Reserve Deputies shall be required to participate in "Call Outs" and "Special Event Call Outs". "Call Outs" are when a Reserve Deputy is called for unscheduled duty due to an emergent need of the Sheriff's Office. Special Event call outs are typically, but not limited to, community events where additional Sheriff's Office resources are needed or required. Paid employment will not satisfy this requirement. Reserve Deputies shall perform a minimum of three Special Event call outs per year.

##### **351.3.1 POLICY COMPLIANCE**

Sheriff's reserve deputies shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time deputy, it shall also apply to a sworn reserve deputy unless by its nature it is inapplicable.

##### **351.3.2 RESERVE DEPUTIES ASSIGNMENTS**

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee.

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#### 351.3.3 RESERVE COORDINATOR

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel.
- (b) Conducting reserve meetings.
- (c) Establishing and maintaining a reserve call-out roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring individual reserve deputy performance.
- (f) Monitoring the overall Reserve Program.
- (g) Maintaining liaison with other agency Reserve Coordinators.

#### 351.3.4 RESERVE UNIT STAFFING

The reserve unit will be staffed with administrative positions of Reserve Coordinator and Assistant Reserve Coordinator. These positions shall be full time sworn members of the agency, designated by the Sheriff or designee. All other members of the Reserve Unit will be Reserve Deputies, and shall not have general supervisory authority over other members. Reserve Deputies may be assigned additional duties at the discretion of the Reserve Coordinator for efficiency of operations.

### **351.4 FIELD TRAINING**

#### 351.4.1 TRAINING OFFICERS

Deputies of this department, who demonstrate a desire and ability to train reserve deputies, may train the reserves during all phases of a reserve term with this agency, subject to Shift Commander approval.

#### 351.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve deputies will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve deputy will be assigned to work with his/her primary training officer or designee during the first 200 hours of training. This time shall be known as the Primary or level 1 Training Phase.

#### 351.4.3 FIELD TRAINING MANUAL

Each new reserve deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Spokane County Sheriff's Office. The reserve deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

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#### **351.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE**

At the completion of the Primary Training Phase, (Level I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve deputy in training.

If the reserve deputy has progressed satisfactorily, he/she will then proceed to Level II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

#### **351.4.5 SECONDARY TRAINING PHASE**

The Secondary Training Phase (Level II) shall consist of 100 hours of additional on-duty training. The reserve deputy will no longer be required to ride with his/her primary training officer. The reserve deputy may now ride with any deputy or level IV reserve designated by the Shift Commander.

During Level II of training, as with Level I, the reserve deputy's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Deputy's Field Training Manual. At the completion of Level II of training, the reserve deputy will return to his/her primary training officer for Level III of the training.

#### **351.4.6 THIRD TRAINING PHASE**

Level III of training shall consist of 190 hours of additional on-duty training. His/her last 24 hours of this level will be with his/her original FTO or designee. During this phase, the training officer will evaluate the reserve deputy for suitability to graduate from the formal training program.

At the completion of Level III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve deputy's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve deputy has satisfactorily completed his/her formal training. If the reserve deputy has progressed satisfactorily, he/she will then graduate from the formal training process and be considered a Level IV Reserve. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

#### **351.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS**

When a reserve deputy has satisfactorily completed the first three levels of formal training, he/she will have had a minimum of 490 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve deputy may now be assigned to ride with any deputy, another reserve or by him/her self. Each reserve deputy at this level will be evaluated by a regular deputy/FTO every six months.

#### **351.5 SUPERVISION OF RESERVE DEPUTIES**

Reserve deputies shall be under the immediate supervision of a regular sworn deputy. The immediate supervision requirement shall continue for reserve deputies unless special authorization is received from the Reserve Coordinator with the approval of the Division Commander.

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#### **351.5.1 SPECIAL AUTHORIZATION REQUIREMENTS**

Reserve deputies may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the immediate supervision requirement. In the absence of the Reserve Coordinator and the Division Commander, the Shift Commander may assign a certified reserve deputy to function without immediate supervision for specific purposes and duration.

#### **351.5.2 RESERVE DEPUTY MEETINGS**

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator. The Reserve Coordinator or Assistant Reserve Coordinator may excuse a reserve deputy from a meeting at their discretion.

#### **351.5.3 IDENTIFICATION OF RESERVE DEPUTIES**

All reserve deputies will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time deputy. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

#### **351.5.4 UNIFORM**

Reserve deputies shall conform to all uniform regulation and appearance standards of this department.

#### **351.5.5 INVESTIGATIONS AND COMPLAINTS**

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Division Commander.

Reserve deputies are considered at-will employees with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual.

#### **351.5.6 RESERVE DEPUTY EVALUATIONS**

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

### **351.6 FIREARMS REQUIREMENTS**

#### **351.6.1 CARRYING WEAPON ON DUTY**

It is the policy of this department to allow reserves to carry firearms only while on duty or to and from duty. All firearms must conform to Policy Manual § 312 requirements.



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#### **351.6.2 CONCEALED PISTOL PROHIBITED**

No reserve deputy will be permitted to carry a department issued firearm while in an off-duty capacity, other than to and from work.

#### **351.6.3 RESERVE DEPUTY FIREARM TRAINING**

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies shall comply with all areas of the firearms training section of the Policy Manual § 312.4 and 312.4.1.

#### **351.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

# Explorers

## **352.1 PURPOSE AND SCOPE**

The Sheriff's Explorer program is an official program sponsored by the Spokane County Sheriff's Office, under the direction of the Boy Scouts of America. Complete information concerning the Explorer program is contained in the Explorer manual.

The Sheriff's Explorer program is to familiarize young adults between the ages 16 to 21 years of age with the procedures and qualifications of the Sheriff's Office. It is also designed to interest these individuals in a law enforcement career, while promoting communication and understanding between law enforcement and the community.

## **352.2 SUPERVISION**

The Sheriff's Explorers will function under the supervision of the advisor(s) of the program. This advisor will be a full time deputy of the department. From time to time explorers will be assigned to work under the direct supervision of other deputies, reservists, or advisor(s).

### **352.2.1 EXPLORERS HAVE NO POLICE POWER**

Sheriff's Explorers have no police power whatsoever. Explorers will refrain from any proactive police work, unless directed by a commissioned deputy in an emergency situation.

## **352.3 MEMBERSHIP AND TRAINING**

Membership is open to all young adults of high school and college age living in the area, who are at least 16 years old and may continue until the end of the calendar year that they turn 21 years old. No prospective members will be disqualified because of race, color, creed, sex, national origin, or handicap. All new members must be registered members of the Boy Scouts of America as explorers and agree to obey the law and sign the post codes.

Explorers must attend the Explorer Academy. Explorers meet every other week and train at each meeting. An Explorer Adviser is assigned to coordinate training, and ensures training covers all aspects of police work. To demonstrate proficiency in police duties, Explorers participate in competitions with other Explorer posts.

### **352.3.1 CONDUCT**

Sheriff's Explorers will remember they are representing themselves, the Sheriff's Office, and the Explorer program. Explorers will act in a manner portraying a positive image to the general public.

Explorers can be terminated from the program for misconduct or inappropriate behavior.

### **352.3.2 FRATERNIZATION**

The Washington State Law Enforcement Explorer Association and the Boy Scouts of America strictly forbid fraternization between explorers and officers, regardless of the age of the explorer. The policy defines this as "any kind of inappropriate interpersonal relationship, the nature of which,

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could give cause for concern or be the occasion of scandal or other results which could negatively affect the reputation of the parties, their agencies, and/or the exploring program."

#### **352.4 UNIFORM**

Explorers, when on duty, will be dressed in a full uniform. The uniform will not be worn outside of Explorer functions, except when traveling to and from such functions. No part of the uniform will be displayed, worn, presented, or used in any capacity in public except in the capacity of a Sheriff's Explorer. The uniform includes:

- (a) Green polo shirt with explorer and post emblem stenciled or embroidered on it.
- (b) Approved green baseball cap with "EXPLORER" printed on the front.
- (c) White explorer shirt (seasonal long or short sleeve) with appropriate insignia on the collar, a white or green frame-less nameplate, a "Sheriff" patch on the left shoulder, an American flag (or Sheriff patch) on the right shoulder, and an "Explorer" patch above the right front pocket.
- (d) Plain white crew neck undershirt.
- (e) Standard Sheriff's Office pants.
- (f) Black belt.
- (g) Black plain toed footwear.
- (h) Accurate timepiece.
- (i) Notebook and black ink pen.

#### **352.5 RIDE-ALONGS**

Explorers meeting certain criteria in the post are allowed to ride with deputies, see Policy 410.2.4.

## Outside Agency Assistance

### 353.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

### 353.2 POLICY

It is the policy of the Spokane County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this office.

### 353.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Commander's office for approval. In some instances, a mutual aid agreement or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this office, the Shift Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this office.

Deputies may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this office until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this office will not ordinarily be booked at this office. Only in exceptional circumstances, and subject to supervisor approval, will this office provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

#### 353.3.1 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Spokane County Sheriff's Office shall notify his/her supervisor or the Shift Commander and Combined Communication Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

### 353.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

#### **353.5 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Commander.

#### **353.6 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Division Commander or the authorized designee.

## Registered Offender Information

### 357.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Spokane County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered offenders.

### 357.2 POLICY

It is the policy of the Spokane County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

### 357.3 REGISTRATION

The Investigative Division supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Washington State Patrol (WSP) within five working days in accordance with RCW 43.43.540. The Washington Association of Sheriffs and Police Chiefs (WASPC) shall be provided any requested information for the administration of the Sex Offender Information website (RCW 4.24.550).

A criminal investigation for failure to register will be initiated if a registrant refuses to provide any of the required information or complete the process.

#### 357.3.1 CONTENTS OF REGISTRATION FOR SEX OR KIDNAPPING OFFENDERS

Sex or kidnapping offenders who are required to register must appear in person and provide the following (RCW 9A.44.130):

- Name
- Complete residential address or where he/she plans to stay
- Date and place of birth
- Place of employment
- Crime for which the person has been convicted
- Date and place of conviction
- Aliases

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- Social Security number
- Biological sample if one has not already been submitted to the WSP (see the Biological Samples Policy for collection protocol) (RCW 43.43.754)

Offenders lacking a fixed residence must keep an accurate accounting of where he/she stays during the week and provide it to the county sheriff upon request.

The registering member shall take photographs and fingerprints, which may include palmprints, of all sex/kidnapping offenders.

#### **357.3.2 CONTENTS OF REGISTRATION FOR FELONY FIREARM OFFENDERS**

Felony firearm offenders who are required to register must appear in person and provide the following (RCW 9A.41.330; RCW 9A.41.333):

- Name and any aliases
- Complete residential address or where he/she plans to stay
- Identifying information, including a physical description
- Crime for which the person has been convicted
- Date and place of conviction
- Names of any other county where the firearm offender may have registered

The registering member may take photographs and fingerprints of the felony firearm offender.

#### **357.4 MONITORING OF REGISTERED OFFENDERS**

The Investigative Division supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include, as applicable:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search, drive-by of the declared residence or address verification under RCW 9A.44.135.
  1. When notice is received that a sex offender is moving outside the jurisdiction of the Spokane County Sheriff's Office, the Investigative Division supervisor is responsible for address verification until the registrant completes registration with a new residential address (RCW 9A.44.130(5)).
- (b) Review of information on the WASPC Sex Offender Information website.
- (c) Contact with a registrant's community correction officer.
- (d) Review any available Washington State database of felony firearm offenders.

Any discrepancies with sex/kidnapping offenders should be reported to ACCESS (A Central Computerized Enforcement Service System), which is administered by WSP, and, in the case of sex offenders only, to WASPC.

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The Investigative Division supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Spokane County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

#### **357.4.1 OFFENDERS TRAVELING OUT OF THE COUNTRY**

When written notice is received from a registrant who intends to travel outside of the United States, the Sheriff shall notify the United States Marshals Service as soon as practicable after receipt of notification and also of any further notice of changes or cancellation of travel plans (RCW 9A.44.130(3)).

#### **357.5 DISSEMINATION OF PUBLIC INFORMATION**

Members will not unilaterally make a public notification advising the community of a particular sex/kidnapping registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a sex/kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex/kidnapping registrants should be provided the WASPC Sex Offender Information website or the Spokane County Sheriff's Office's website.

The Records Manager shall release local sex/kidnapping registered offender information to residents in accordance with RCW 4.24.550 and in compliance with a request under the Public Records Act (RCW 42.56.001 et seq.).

Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

#### **357.5.1 RELEASE NOTIFICATIONS FOR SEX OR KIDNAPPING OFFENDERS**

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The Spokane County Sheriff's Office has no authority to direct where an offender may live.



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#### 357.5.2 MANDATORY NOTIFICATION

The Investigation Division Commander shall ensure that:

- (a) A public notification is made for sex offenders who are classified as Risk Level III and who register in the County. The notice shall conform to the guidelines established in RCW 4.24.5501.
- (b) All information on sex/kidnapping offenders registered in the County is regularly updated and posted on the WASPC Sex Offender Information website (RCW 4.24.550(5)).

#### 357.5.3 DISCRETIONARY DISSEMINATION FOR SEX OFFENDERS

Dissemination should be predicated upon the levels detailed below (RCW 4.24.550(3)):

- (a) Offenders classified as Risk Level I: The Office may disclose, upon request, relevant, necessary and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the sex offender resides, expects to reside or is regularly found, and to any individual who requests information regarding a specific offender.
- (b) Offenders classified as Risk Level II: In addition to the dissemination for Level I, the Office may also disclose relevant, necessary and accurate information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the sex offender resides, expects to reside or is regularly found.
- (c) Offenders classified as Risk Level III: In addition to the dissemination of Level I and Level II, the Office may also disclose relevant, necessary and accurate information to the public at large.
- (d) Homeless and transient sex offenders may present unique risks to the community due to the impracticality of localized notification. The Office may also disclose relevant, necessary and accurate information to the public at large for sex offenders registered as homeless or transient.

#### 357.5.4 SCHOOL NOTIFICATIONS

The Sheriff has the responsibility of notifying the applicable school's principal or public safety department of any sex/kidnapping offender who attends or is employed at the school and for providing the following information about the offender (RCW 9A.44.138):

- Name
- Complete residential address
- Date and place of birth
- Place of employment

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- Crime for which the person have been convicted
- Date and place of conviction
- Aliases
- Social Security number
- Photograph
- Risk level classification

#### **357.6 SEX OFFENDER RISK ASSESSMENT**

The Investigation Division Commander shall establish a procedure to review and assign an initial risk level classification of sex offenders who have moved or are released into this jurisdiction and the risk assessment level has not already been assigned by the Washington Department of Corrections. That procedure shall address (RCW 4.24.550(6)):

- The circumstances under which the Spokane County Sheriff's Office is authorized to assign its own risk level.
- Risk level classification criteria.
- What risk assessment tools may be used and how such tools are scored.
- Assessment of known aggravating or mitigating factors related to the risk posed by the offender to the community.
- Notification process following a change in the risk level classification.
- The process for an offender to petition for review of the risk level classification.

# Major Incident Notification

## 359.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this office in determining when, how and to whom notification of major incidents should be made.

## 359.2 POLICY

The Spokane County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

## 359.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- All Major Crimes call-outs
- Homicides.
- Traffic accidents with fatalities.
- Officer-involved shooting on- or off-duty (See the Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee on- or off-duty.
- Death of a prominent Spokane official.
- Arrest of Office employee or prominent Spokane official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.
- Barricade situations, whether hostages are involved or not.
- Call-outs of the SWAT Team or Bomb Squad.
- Mutual Aid requests from another jurisdiction outside of Spokane County
- Creditable threats or actual attempts to cause significant damage to a public facility or utility.
- Kidnapping, other than custodial interference.
- Illegal demonstration, riots or other public melee.
- Missing children and vulnerable adults

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- Direct and indirect credible threats by students or individuals against schools, government facilities and businesses

#### **359.4 SHIFT SUPERVISOR RESPONSIBILITY**

The Shift Supervisor is responsible for making the appropriate notifications. The Shift Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Supervisor shall attempt to make the notifications as soon as practical. Notification should be made by command staff page or if additional command staff advisement is needed call the home phone number.

##### **359.4.1 STAFF NOTIFICATION**

In the event an incident occurs described in MINIMUM CRITERIA FOR NOTIFICATION, the Sheriff shall be notified along with the affected Division Commander and the Detective Lieutenant if that division is affected.

##### **359.4.2 DETECTIVE NOTIFICATION**

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

##### **359.4.3 TRAFFIC UNIT NOTIFICATION**

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

##### **359.4.4 PUBLIC INFORMATION OFFICER (PIO)**

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

#### **359.5 SUBJECT MATTER EXPERT NOTIFICATION - MAJOR INCIDENTS**

At the appropriate time as determined by the lead investigator and/or scene supervisor of a major incident involving Sheriff's Commissioned Personnel, a department Subject Matter Expert as designated will be allowed to observe the scene only in an administrative capacity. The Subject Matter Expert will not be part of the criminal investigation and shall only be allowed access to the incident scene after all criminal investigation scene activity has concluded. The Subject Matter Expert will not take any photographs of the scene or collect any evidence. Upon the arrival of the Subject Matter Expert, the Scene Commander will make arrangements to have the Subject Matter Expert briefed and escorted to the appropriate areas accessible without the legal requirement of a search warrant.

##### **359.5.1 SUBJECT EXPERT NOTIFICATION**

The following procedure shall be used for notification and call-out of Subject Matter Experts from the Spokane County Sheriff's Office.

1. The lead investigator or scene supervisor shall contact the Sheriff's Training Unit supervisor to brief him of the incident and advise of the scene investigation status.

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2. Based upon the type of incident, the lead investigator or scene supervisor and the Training Unit supervisor will determine which subject matter expert(s) should be sent to the scene and establish who the point of contact will be.
3. The Training Unit supervisor will call the subject matter expert(s) and request their response to the scene and provide the point of contact information.
4. In the event the Training Unit supervisor cannot be reached, the lead investigator or scene supervisor should contact the subject matter expert(s) themselves most appropriate for the type of incident being investigated. The subject matter expert call-out list can be found on the county network in the patrol schedule on call folder or: [\\spokanecounty.org\countysheriff\Patrol\Schedule\Oncall](https://spokanecounty.org/countysheriff/Patrol/Schedule/Oncall).
5. If necessary, SME call-out information may also be obtained through the dispatch center.

# Death Investigation

## 361.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

## 361.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Deputies are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

### 361.2.1 MEDICAL EXAMINER JURISDICTION OVER REMAINS

The Medical Examiner has jurisdiction of bodies of all deceased persons who come to their death suddenly in any of the following cases (RCW 68.50.010):

- (a) When in apparent good health without medical attendance (Physician, RN, PA) within the thirty-six hours preceding death.
- (b) Where the circumstances of death indicate death was caused by unnatural or unlawful means.
- (c) Where death occurs under suspicious circumstances.
- (d) Where a medical examiner's autopsy or post mortem or medical examiner's inquest is to be held.
- (e) Where death results from unknown or obscure causes.
- (f) Where death occurs within one year following an accident.
- (g) Where the death is caused by any violence whatsoever.
- (h) Where death results from a known or suspected abortion; whether self-induced or otherwise.
- (i) Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering.
- (j) Where death is due to premature birth or still birth.
- (k) Where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard.
- (l) Where death results from alleged rape, carnal knowledge or sodomy.
- (m) Where death occurs in Detention Services, a jail or prison.
- (n) Where a body is found dead or is not claimed by relatives or friends.

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The body shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner (RCW 68.50.050).

#### 361.2.2 DEATH NOTIFICATION

When practical, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy or Chaplain assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

#### 361.2.3 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

#### 361.2.4 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

#### 361.2.5 JUVENILE DEATHS

If the death involves a juvenile the Investigations Division shall be notified to determine the need for a detective to respond to the scene for further immediate investigation.

# Identity Theft

## 363.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

## 363.2 REPORTING

This department will initiate an incident report whenever a person reasonably suspects that his/her financial information or means of identification has been unlawfully obtained, used, or transferred to another person or entity in all cases where the victim resides or works within this jurisdiction, or where any part of the crime occurred within this jurisdiction. The employee receiving the report will ensure that the complainant receives a copy of the incident report (RCW 9.35.050).

In cases where the reporting party does not reside or work within this jurisdiction and there is no known or suspected criminal activity occurring within this jurisdiction the reporting party may be referred to the appropriate law enforcement agency having jurisdiction. If it is not reasonably practical for the reporting party to file a timely report with his/her home jurisdiction the receiving employee should take a courtesy incident report to be forwarded to the agency having jurisdiction.

Reports should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

The employee preparing the report should also cross-reference all other known reports made by the victim (e.g., US Secret Service, credit reporting bureaus, US Postal Service and DOL) with all known report numbers.

Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.



## Limited English Proficiency Services

### 369.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 369.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Spokane County Sheriff's Office, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 369.2 POLICY

It is the policy of the Spokane County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

### 369.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the Spokane County Sheriff's Office's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Commander and Communications Manager. The list should include information regarding the following:
  - 1. Languages spoken
  - 2. Contact information
  - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **369.4 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### **369.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Spokane County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

#### **369.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

#### **369.7 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

#### **369.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other County departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

#### **369.9 AUTHORIZED INTERPRETERS**

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

##### **369.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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#### **369.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

#### **369.10 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

#### **369.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Spokane County Sheriff's Office will take reasonable steps and will work with the Civil Service to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

##### **369.11.1 EMERGENCY CALLS TO 9-1-1**

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Combined Communication Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

#### **369.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

#### **369.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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#### **369.14 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **369.15 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

#### **369.16 COMPLAINTS**

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

#### **369.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

#### **369.18 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

#### 369.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.



# Communications with Persons with Disabilities

## 371.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

### 371.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should be certified pursuant to RCW 2.42.110.

## 371.2 POLICY

It is the policy of the Spokane County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

## 371.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the County ADA coordinator regarding the Spokane County Sheriff's Office's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Commander and Communications Manager. The list should include information regarding the following:
  - 1. Contact information
  - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **371.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

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#### **371.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Spokane County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

#### **371.6 TYPES OF ASSISTANCE AVAILABLE**

Spokane County Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

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Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

#### **371.7 AUDIO RECORDINGS AND ENLARGED PRINT**

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

#### **371.8 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

#### **371.9 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

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Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

#### **371.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

#### **371.11 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

#### **371.12 REPORTING**

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

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#### **371.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

##### **371.13.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

#### **371.14 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist. The use of a video

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remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **371.15 ARRESTS AND BOOKINGS**

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

#### **371.16 COMPLAINTS**

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

#### **371.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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#### **371.18 TRAINING**

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

#### **371.18.1 CALL-TAKER TRAINING**

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Combined Communication Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.



## Child and Dependent Adult Safety

### 381.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this office.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

### 381.2 POLICY

It is the policy of this office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Spokane County Sheriff's Office will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

### 381.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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#### 381.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
  - 1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  - 1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the Department of Social and Health Services, if appropriate.
- (e) Notify the field supervisor or Shift Commander of the disposition of children and dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

Deputies shall promptly notify Child Protective Services (CPS) whenever a child under 16 years of age is present in a vehicle and his/her parent, guardian or legal custodian is arrested for a drug or alcohol driving offense in accordance with the office Child Abuse Policy (RCW 26.44.250).

#### 381.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

#### **381.3.3 REPORTING**

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Special needs (e.g., medical, mental health)
  - 5. How, where and with whom or which agency the child was placed
  - 6. Identities and contact information for other potential caregivers
  - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Whether he/she reasonably appears able to care for him/herself
  - 5. Disposition or placement information if he/she is unable to care for him/herself

#### **381.3.4 SUPPORT AND COUNSELING REFERRAL**

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

#### **381.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other office-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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### **381.5 TRAINING**

The Training Sergeant is responsible to ensure that all members of this office who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

## Service Animals

### 383.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Spokane County Sheriff's Office recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

### 383.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

#### 383.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Examples of how service animals may be used to provide assistance include:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### 383.3 EMPLOYEE RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Spokane County Sheriff's Office affords to all members of the public.

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If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, a deputy may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if the deputy is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the deputy should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

# Volunteer Program

## 385.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

### 385.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include S.C.O.P.E. members, unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

## 385.2 VOLUNTEER MANAGEMENT

### 385.2.1 VOLUNTEER COORDINATORS

The Volunteer Coordinators shall be selected by the Sheriff. The function of the Volunteer Coordinators is to provide a central coordinating points for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinators should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinators, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.

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- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

#### 385.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

#### 385.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and applicants shall be processed for criminal history.

Prospective volunteers may also be subject to:

- Reference checks
- Employment checks
- Neighborhood checks
- Polygraph examination (if required by position)
- Psychological examination (if required by position)
- Medical examination (if required by position)

#### 385.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement



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of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

#### 385.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

#### 385.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

#### 385.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department

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assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

#### **385.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

#### **385.4 CONFIDENTIALITY**

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

#### **385.5 PROPERTY AND EQUIPMENT**

Volunteers will be issued an identification card that must be worn at all times while on-duty.

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Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

#### **385.5.1 VEHICLE USE**

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and department approved driver safety course.
- (b) Verification that the volunteer possesses a valid Washington Driver's License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and volunteers are not authorized to operate a Department vehicle Code-3.

#### **385.5.2 RADIO AND MDC USAGE**

Volunteers shall successfully complete Central Computerized Enforcement Service System (ACCESS) and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and ACCESS training is provided for volunteers whenever necessary.

#### **385.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

#### **385.6.1 EXIT INTERVIEWS**

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

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### **385.7 EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

## Off-Duty Law Enforcement Actions

### 387.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Spokane County Sheriff's Office with respect to taking law enforcement action while off-duty.

### 387.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

### 387.3 FIREARMS

Deputies of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty deputies shall also carry their department-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication or any combination thereof that would tend to adversely affect the deputy's senses or judgment.

### 387.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.

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### *Off-Duty Law Enforcement Actions*

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- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

#### **387.4.1 INTERVENTION PROCEDURE**

If involvement is reasonably necessary, the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty deputy is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an Spokane County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

#### **387.4.2 INCIDENTS OF PERSONAL INTEREST**

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

#### **387.4.3 CIVILIAN NONSWORN RESPONSIBILITIES**

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

#### **387.4.4 OTHER CONSIDERATIONS**

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

#### **387.5 REPORTING**

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Commander as soon as practicable. The Shift Commander shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

# Department Use of Social Media

## 388.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

### 388.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

## 388.2 POLICY

The Spokane County Sheriff's Office may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

## 388.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

## 388.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

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### *Department Use of Social Media*

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Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

#### **388.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

#### **388.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Spokane County Sheriff's Office or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

#### **388.6 MONITORING CONTENT**

The Sheriff will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.



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## *Department Use of Social Media*

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### **388.7 RETENTION OF RECORDS**

The Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

### **388.8 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

## Extreme Risk Protection Orders

### 389.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving extreme risk protection orders and accounting for the firearms obtained pursuant to those orders (RCW 7.94.010 et seq.).

#### 389.1.1 DEFINITIONS

Definitions related to this policy include:

**Extreme risk protection order** – An order prohibiting a named person from controlling, owning, purchasing, possessing, receiving or otherwise having custody of any firearms.

**Ex parte extreme risk protection order** – An extreme risk protection order that has been issued in the absence of or without notification to the named person.

### 389.2 POLICY

It is the policy of the Spokane County Sheriff's Office to petition for and serve extreme risk protection orders in compliance with state law and to properly account for firearms obtained by the Office pursuant to such orders.

### 389.3 EXTREME RISK PROTECTION ORDERS

A deputy who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for an extreme risk protection order (RCW 7.94.030).

Deputies petitioning the court shall use any standard petition and order forms created by the administrative office of the court (RCW 7.94.030; RCW 7.94.150).

The petition shall (RCW 7.94.030):

- (a) Allege that the person poses a significant danger of causing personal injury to him/herself or others by controlling, owning, purchasing, possessing, receiving or otherwise having custody of a firearm and be accompanied by an affidavit, made under oath, that provides the specific statements, actions or facts that give rise to a reasonable fear of future dangerous acts by the person.
- (b) Identify the number, types and locations of any firearms that the deputy believes to be owned, possessed, controlled or in the custody of the person.
- (c) Identify any other known existing protection orders governing the person.
- (d) Identify, if reasonably identifiable, any pending lawsuits, complaints, petitions or other action between the person and the Spokane County Sheriff's Office.
- (e) Include an attestation that the deputy provided notice of the intent to seek the order to a family or household member of the person and to any third party who the deputy

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### *Extreme Risk Protection Orders*

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reasonably believes may be at risk of violence, or an attestation to the steps that will be taken to provide this notice.

A deputy may also seek an ex parte extreme risk protection order, without notice to the person, by including in the petition detailed allegations based on personal knowledge that the person poses a significant danger of causing personal injury to him/herself or others in the near future by having in his/her custody or control, purchasing, possessing or receiving a firearm (RCW 7.94.050).

#### **389.3.1 NOTICE OF PETITION**

When a member of the Spokane County Sheriff's Office petitions for an extreme risk protection order, he/she shall make a good faith effort to provide notice to a family or household member of the person and to any third party who the member reasonably believes may be at risk of violence. The notice shall state the intention to seek an extreme risk protection order or that the order has already been sought and include referrals to appropriate resources, including mental health, domestic violence and counseling (RCW 7.94.030).

#### **389.4 SERVICE**

Service of notice of hearing and petitions, ex parte extreme risk protection orders and extreme risk protection orders should take precedence over the service of other documents, unless the other documents are of a similar emergency nature (RCW 7.94.040; RCW 7.94.060).

Deputies serving a notice of hearing and petition for an extreme risk protection order should make reasonable efforts to personally serve the person within the first 24 hours or no less than five court days prior to the hearing. If an ex parte extreme risk protection order was issued, then the order, notice of hearing and the petition are served together (RCW 7.94.040; RCW 7.94.050).

Deputies assigned to serve an extreme risk protection order should make reasonable efforts to personally serve the order not more than 10 days after the Spokane County Sheriff's Office received the order (RCW 7.94.060).

When timely personal service is not completed, the deputy should notify the court and take reasonable steps to notify the petitioner (RCW 7.94.040; RCW 7.94.060).

The deputy serving any extreme risk protection order, including an ex parte order, shall (RCW 7.94.090):

- (a) Request that any firearms and any concealed pistol license be immediately surrendered and issue a receipt for the surrendered items.
  1. The deputy should ensure the original receipt is forwarded to the Records Manager.
- (b) Take into custody any firearms discovered in plain view or pursuant to consent or other lawful search.
- (c) As soon as practicable, but by the end of his/her shift, submit the proof of service to the Records Manager.

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### *Extreme Risk Protection Orders*

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All firearms collected shall be handled and booked in accordance with the Property and Evidence Policy.

#### **389.5 SEARCH WARRANTS**

If a person who has been served with an extreme risk protection order refuses to surrender any firearm, the deputy should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy.

#### **389.6 RECORDS MANAGER RESPONSIBILITIES**

The Records Manager is responsible for ensuring that:

- (a) Orders received by the court are entered into the national instant criminal background check system or any other federal or state computer-based system used by the Office that identifies prohibited purchasers of firearms, and into any other computer-based criminal intelligence information systems used by the Office that lists outstanding warrants (RCW 7.94.110).
- (b) The original receipt of surrendered firearms is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the Office (RCW 7.94.090).
- (c) Any proofs of service for notices or orders are filed with the court.
- (d) Expired or terminated orders entered into computer based-systems by the Office are removed (RCW 7.94.110).

#### **389.7 COURT-ORDERED FIREARMS SURRENDERS**

Authorized members should accept firearms and a concealed pistol license from any person who is the subject of an extreme risk protection order. The member receiving any firearm shall:

- (a) Record the person's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the person who surrendered the firearms (RCW 7.94.90).
  - 1. The original receipt is to be forward to the Records Manager.
- (e) Package and submit the firearms in accordance with the Property and Evidence Policy.

#### **389.8 RELEASE OF FIREARMS**

Firearms that were taken into custody or surrendered pursuant to an extreme risk protection order should be returned to the restrained person upon the expiration of the order, in accordance with the Property and Evidence Policy (RCW 7.94.100).

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### **389.9 RENEWAL OF EXTREME RISK PROTECTION ORDER**

The Investigative Division supervisor is responsible for review of an extreme risk protection order obtained by the Office, to determine if renewal should be requested within the time prescribed by law (RCW 7.94.080).

## **Chapter 4 - Patrol Operations**

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Sheriff's Office to ensure intra-department cooperation and information sharing.

#### 400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Spokane County, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol and other division within the Sheriff's Office, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.
- (i) Traffic direction and control.

#### 400.1.2 TERRORISM

It is the goal of the Spokane County Sheriff's Office to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Deputies should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Spokane County Analyst Team (SPOCAT) in a timely fashion.

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### *Patrol Function*

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#### **400.2 PATROL INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Spokane County Sheriff's Office.

##### **400.2.1 SPOKANE COUNTY ANALYSIS TEAM**

The Spokane County Analysis Team (SPOCAT) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to SPOCAT for distribution to all divisions within the Sheriff's Office through the forum, daily bulletins and special bulletins.

##### **400.2.2 CRIME REPORTS**

A crime report may be completed by any patrol deputy who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

##### **400.2.3 PATROL ROLL CALL**

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or deputies will be provided an opportunity to share information at the daily patrol Roll Calls as time permits.

##### **400.2.4 INFORMATION SHARING**

Several information clipboards will be maintained in the Roll Call room and will be available for review by deputies from all divisions within the Department. These will include, but not be limited to, the the Daily Bulletin clipboard and the special reports clipboard.

General and Special Orders will be sent to all employees by email and kept on file in Administration.

#### **400.3 CROWDS, EVENTS AND GATHERINGS**

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.



## Bias-Based Policing

### 402.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Spokane County Sheriff's Office's commitment to policing that is fair and objective. Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

### 402.2 POLICY

The Spokane County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

#### 402.3.1 OTHER PROHIBITIONS

The Spokane County Sheriff's Office also condemns the illegal use of an individual or group's attire, appearance or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.410; RCW 43.101.419).

### 402.4 MEMBER RESPONSIBILITIES

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

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### *Bias-Based Policing*

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#### **402.4.1 REASON FOR CONTACT**

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

#### **402.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
  - (a) Supervisors should document these discussions, in the prescribed manner
    - (a) Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (c) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

#### **402.6 STATE REPORTING**

Subject to any fiscal constraints, the Administrative Undersheriff should review available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints. The data should be analyzed for any patterns or other possible indicators of bias-based policing and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (RCW 43.101.410(3)).

#### **402.7 ADMINISTRATION**

Each year, the Office of Professional Standards shall prepare a review of the efforts of the Department to prevent bias-based profiling and submit the overview, including public concerns and complaints, to the Sheriff. This report should not contain any identifying information regarding any specific complaint, citizen or deputies. It should be reviewed by the Sheriff to identify any changes in training or operations

Supervisors should review the annual report submitted to the Washington Association of Chiefs of Police and discuss the results with those they are assigned to supervise.

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## *Bias-Based Policing*

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### **402.8 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Sergeant (RCW 43.101.410).

## Roll Call Training

### 404.1 PURPOSE AND SCOPE

Roll Call training is generally conducted at the beginning of the deputy's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call; however deputies may conduct Roll Call for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, the following basic tasks:

- (a) Briefing deputies with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.
- (b) Notifying deputies of changes in schedules and assignments.
- (c) Notifying deputies of new General Orders or changes in General Orders.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

### 404.2 PREPARATION OF MATERIALS

The supervisor conducting Roll Call is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate deputy in his/her absence or for training purposes.

# Crime and Disaster Scene Integrity

## 405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

## 405.2 POLICY

It is the policy of the Spokane County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

## 405.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

## 405.4 REPORT OF ACTIVITY REQUIRED

- (a) Each member will report to the crime scene log deputy the time they entered and/or exited the crime scene.
- (b) Each member shall make a report regarding his/her activities in the crime scene or his/her participation in the investigation.
- (c) Each member responding to a major event controlled by a command post will make a report detailing his/her activities.

## 405.5 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.

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### *Crime and Disaster Scene Integrity*

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- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

#### **405.6 SEARCHES**

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

##### **405.6.1 CONSENT**

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

#### **405.7 INVESTIGATION DIVISION COMMANDER RESPONSIBILITIES**

The Investigation Division Commander is responsible for ensuring procedures are established that are consistent with the Washington State Patrol Crime Laboratory Division Crime Scene Procedures Manual, including, but not limited to:

- (a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.
- (b) Establishing procedures for collecting, processing and preserving physical evidence in the field.
- (c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.
- (d) Establishing procedures for processing, developing, lifting and labeling fingerprints.
- (e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

#### **405.8 EXECUTION OF HEALTH ORDERS**

Sworn members of this office shall enforce all lawful orders of the local health officer, issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (RCW 70.05.070; WAC 246-100-040(2)).

# Crisis Response Unit

## 406.1 PURPOSE AND SCOPE

The Crisis Response Unit (CRU) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

## 406.2 LEVELS OF CAPABILITY/TRAINING

### 406.2.1 LEVEL I

A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level deputies. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5 percent of the basic team's on-duty time should be devoted to training.

### 406.2.2 LEVEL II

A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5 percent of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

### 406.2.3 LEVEL III

A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time unit. Generally 25 percent of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

### 406.2.4 AUTHORITY TO ENGAGE THE S.W.A.T. TEAM

The authority for the S.W.A.T. Team to engage in a tactical situation will be given only by the on-duty unit commander of the rank of lieutenant, or by a deputy of higher authority. The deputy authorizing the deployment of the S.W.A.T. Team will notify the appropriate division commander and the Sheriff or designee. Once authorization to engage has been granted, the S.W.A.T. Team commander will assume control of the tactical response under the direction of the incident commander.

### 406.2.5 REQUESTS FROM OUTSIDE AGENCIES

The Spokane Sheriff S.W.A.T. Team is available, with the approval of the Sheriff or his/her designee, to any requesting law enforcement agency. The S.W.A.T. Team will function only as

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### *Crisis Response Unit*

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a team during these activations and will operate solely under Spokane Sheriff's Office command and policies.

#### 406.2.6 REQUESTS WITHIN THE SHERIFF'S OFFICE

Any division or unit within the Spokane Sheriff's Office may request the assistance of the S.W.A.T. Team in planning or conducting tactical missions. The unit commander, with notification to his/her division commander, will contact the S.W.A.T. Team commander with the request.

#### 406.2.7 SPECIALIZED EQUIPMENT

Spokane Sheriff's Office S.W.A.T. Team members are trained in the use of specialized equipment, which includes firearms other than the standard issue handgun weapon system.

#### 406.2.8 TACTICAL MISSIONS

The S.W.A.T. Team adheres to the Incident Command System regarding the management and mitigation of critical incidents or other tactical missions.

#### 406.2.9 SWAT ONGOING TRAINING

Training shall be coordinated by the SWAT Commander. The SWAT Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the SWAT Commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
- (e) Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT



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operations. Failure to qualify will require the team member to seek remedial training from the Armorer who has been approved by the SWAT Commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

1. Primary Conducted Electrical Weapon (CEW) SWAT members will qualify quarterly.
2. Secondary Conducted Electrical Weapon (CEW) SWAT members will qualify annually.

#### **406.3 POLICY**

It shall be the policy of this office to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control.
- (b) Containment.
- (c) Entry/Apprehension/Rescue.

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

##### **406.3.1 POLICY CONSIDERATIONS**

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this office. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

##### **406.3.2 ORGANIZATIONAL PROCEDURES**

This office shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.

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- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

#### **406.4 TRAINING NEEDS ASSESSMENT**

The SWAT/CRU Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities and office policy.

#### **406.5 UNIFORMS, EQUIPMENT, AND FIREARMS**

##### **406.5.1 UNIFORMS**

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

##### **406.5.2 EQUIPMENT**

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

##### **406.5.3 FIREARMS**

Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

#### **406.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT**

The Commander of the CRU shall be selected by the Sheriff upon recommendation of staff.

## Ride-Along Policy

### 408.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

#### 408.1.1 ELIGIBILITY

The Spokane County Sheriff's Office Ride-Along Program is offered to residents, students and those employed within the County. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

Prior to approval of a Ride-Along request, a local criminal history check, drivers check, NCIC criminal history will be completed.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Office.
- Denial by any supervisor.

#### 408.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are during current patrol day shift or patrol graveyard shift hours. Exceptions to this schedule may be made as approved by the Sheriff, Division Commander, or Shift Commander.

### 408.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be approved by the Shift Commander. The participant will complete a ride-along packet, containing the request to ride form, waiver form and rider checklist form. Information requested will include a valid ID or Washington Driver's License, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Shift Supervisor will schedule a date, based on availability, after the Shift Commander has approved the Ride-Along. If approved, a copy will be forwarded to the respective Shift Commander as soon as possible for so they can schedule a date, based on availability.

If the ride-along is denied after the request has been made, a representative of the Office will contact the applicant and advise him/her of the denial.

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#### 408.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Explorers, Chaplains, Reserves, sheriff's applicants, and all others with approval of the Shift Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

Ride-along requirements for sheriff's cadets are covered in the Sheriff's Cadet Program Policy.

#### 408.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the sheriff's vehicle. The Shift Commander or field supervisor may refuse a ride along to anyone not properly dressed.

#### 408.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this office or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the expressed consent of the Shift Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

#### 408.2.4 EXPLORER RIDE-ALONG

Explorers meeting certain criteria in the post are allowed to ride with deputies. They can ride for up to 16 hours each month.

Deputies should remember each explorer has a different skill level (e.g., radio use proficiency, knowledge of laws, etc.) and may wish to determine what a particular explorer is able to do to assist them before the ride-along begins.

If a deputy responds to a call, which he/she determines is too dangerous for an explorer to be present, the explorer will be dropped at a safe location near a phone. Radio will be notified of the explorer's location. Explorers are trained to call for a ride; however, the shift supervisor may choose to make arrangements for another deputy, reservist, or advisor to pick up the explorer.

Explorers will wear a complete uniform during ride-along. In addition, they will be issued and will wear the following:

- (a) Ballistic vest (to be worn at all times during the ride-along.)
- (b) Portable radio and holder.
- (c) Standard two cell flashlight, or other flashlight if approved.
- (d) Uniform jacket if needed.

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#### **408.3 DEPUTY'S RESPONSIBILITY**

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Shift Supervisor is responsible for maintaining and scheduling Ride-Alongs. Upon completion of the Ride-Along, the forms shall be returned to the Shift Commander with any comments which may be offered by the deputy.

#### **408.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the deputy.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any sheriff's equipment.
- (c) The ride-along may terminate the ride-along at any time and the deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the deputy's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (e) Deputies will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person.

##### **408.4.1 MEDIA**

Requests for media ride-alongs will be coordinated through the PIO office with notification to the Sheriff and coordination with the shift commander.

Under no circumstance shall a media ride-along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person.

Restrictions:

- The media shall agree not to videotape or otherwise record or photograph any department members who are designated as being "undercover".

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- If undercover members are unavoidably recorded, the media shall agree to obscure or otherwise conceal the identity, face, and/or other distinguishing characteristics.
- Media members shall agree not to broadcast or otherwise publicize images, names, or other identifying information on victims of crimes, witnesses or crimes, or suspects without the written consent of those individuals. (Victim and witness identification is protected under RCW 42.56.240.)
- Media members shall agree that certain conversations or information such as witness or informant names, or plans for future sensitive activities, if overheard, will not be recorded or revealed.
- The media shall refrain from filming, broadcasting or otherwise recording ongoing tactical operations that could jeopardize the public or deputies.

# Hazardous Material Response

## 411.1 PURPOSE AND SCOPE

Exposure to hazardous materials present potential harm to office members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

### 411.1.1 DEFINITIONS

Definitions related to this policy include:

**Hazardous material** - A substance which, by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

## 411.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

## 411.3 REPORTING EXPOSURE

Office members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Shift Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

### 411.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

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To ensure the safety of members, PPE is available from supervisors. PPE items not maintained by this office may be available through the appropriate fire department or emergency response team.

#### **411.4 POLICY**

It is the policy of the Spokane County Sheriff's Office to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

#### **411.5 CONSIDERATIONS**

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify Combined Communication Center, appropriate supervisors, the appropriate fire department and hazardous response units.
  - 1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (c) Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.
- (d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
  - 1. Placards or use of an emergency response guidebook.
  - 2. Driver's manifest or statements or shipping documents from the person transporting the material.
  - 3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
    - (a) The type of material.
    - (b) How to secure and contain the material.
    - (c) Any other information to protect the safety of those present, the community and the environment.
- (f) Provide first-aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene and prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Establish a decontamination area when needed.



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- (j) Activate automated community notification systems, if applicable.
- (k) Dependent upon the substance and other specific conditions, consider initiating an emergency public notification or evacuation. The decision to initiate public notifications and/or evacuations shall be in accordance with the Spokane Local Emergency Planning Committee (LEPC) procedures.

# Hostage and Barricade Incidents

## 413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

### 413.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

## 413.2 POLICY

It is the policy of the Spokane County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

## 413.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

### 413.3.1 EMERGENCY COMMUNICATIONS

A supervisor may order the telephone company to cut, reroute or divert telephone lines in order to prevent a suspect from communicating with anyone other than designated personnel in a barricade or hostage situation (RCW 70.85.100).

## *Hostage and Barricade Incidents*

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### **413.4 FIRST RESPONDER CONSIDERATIONS**

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

#### **413.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Public Information Officer.

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### *Hostage and Barricade Incidents*

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- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

#### 413.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the PIO.

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### *Hostage and Barricade Incidents*

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- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

#### **413.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit response if appropriate and apprising the Crisis Response Unit Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Combined Communication Center.
- (i) Identify a media staging area outside the outer perimeter and have the office Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

#### **413.6 SWAT TEAM RESPONSIBILITIES**

It will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the SWAT Team during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the Swat Team Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media

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access and support for the SWAT Team. The Incident Commander and the SWAT Team Commander or the authorized designees shall maintain communications at all times.

#### **413.7 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

#### **413.8 HOSTAGE NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The Hostage Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

##### **413.8.1 SELECTION OF PERSONNEL**

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the Hostage Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the Hostage Negotiation Team supervisor, and a second or third person to be selected by the supervisor. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

## Response to Bomb Calls

### 415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Spokane County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

### 415.2 POLICY

It is the policy of the Spokane County Sheriff's Office to place a higher priority on the safety of the public over damage or destruction to property.

#### 415.2.1 BOMB THREATS OTHER THAN A SHERIFF'S FACILITY

- (a) The deputy will contact the person in charge of the building or area and a decision will be made by that person whether to evacuate and/or search the building or area.
- (b) If the decision is to search, personnel from the building or area will conduct the search.
- (c) The deputy should not conduct the search.
- (d) Employees of the affected building or area should be held at the scene for an interview by Bomb squad personnel.
- (e) The Sheriff's Office does not order evacuation of any building or area except when an actual explosive device is found and human lives are at risk, or the information given (in a bomb threat) is overwhelming.
- (f) The shift supervisor will be advised.

### 415.3 RECEIPT OF BOMB THREAT

Office members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established office evidence procedures.

The member receiving the bomb threat should ensure that the Shift Commander is immediately advised of the details. This will enable the Shift Commander to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

### 415.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

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#### **415.4.1 SPOKANE COUNTY SHERIFF'S OFFICE FACILITY**

If the bomb threat is against the Spokane County Sheriff's Office facility, the Shift Commander will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff's office facility as he/she deems appropriate.

#### **415.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY**

If the bomb threat is against a county or municipal facility within the jurisdiction of the Spokane County Sheriff's Office that is not the property of this office, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Commander deems appropriate.

#### **415.4.3 FEDERAL BUILDING OR PROPERTY**

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

#### **415.5 PRIVATE FACILITY OR PROPERTY**

When a member of this office receives notification of a bomb threat at a location in the County of Spokane, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting sheriff's assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  - 1. No evacuation of personnel and no search for a device.
  - 2. Search for a device without evacuation of personnel.
  - 3. Evacuation of personnel without a search for a device.
  - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.



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#### **415.5.1 ASSISTANCE**

The Shift Commander should be notified when sheriff's assistance is requested. The Shift Commander will make the decision whether the Office will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including sheriff's control over the facility.

Should the Shift Commander determine that the Office will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) The need for additional resources, including:
  - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

#### **415.6 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
  - 1. Two-way radios
  - 2. Cell phones
  - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.

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- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Shift Commander including:
  - 1. The time of discovery.
  - 2. The exact location of the device.
  - 3. A full description of the device (e.g., size, shape, markings, construction).
  - 4. The anticipated danger zone and perimeter.
  - 5. The areas to be evacuated or cleared.

#### **415.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

##### **415.7.1 CONSIDERATIONS**

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

# Emergent Detentions

## 417.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place an individual under an emergent detention (RCW 71.05.153).

## 417.2 POLICY

It is the policy of the Spokane County Sheriff's Office to protect the public and individuals through legal and appropriate use of the emergent detention process.

## 417.3 AUTHORITY

A deputy who has reasonable cause to believe that a person is suffering from a mental disorder or a substance abuse disorder and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, may take the person into emergent detention and immediately transport the person to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure detoxification facility, approved substance use disorder treatment program, or the emergency department of a local hospital (RCW 71.05.153).

A deputy may also take a person into emergent detention and deliver the person to an evaluation and treatment facility upon the written or oral request of a crisis responder designated by the county or other authority who has determined that the person, as the result of a mental disorder or substance abuse disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled (RCW 71.05.153).

A deputy shall make a reasonable effort to take a person who is the subject of a written court order for apprehension issued pursuant to RCW 71.05.201 into initial detention, and transport the person to the designated facility or emergency room as determined by the designated crisis responder (RCW 71.05.201).

### 417.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for an emergent detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputies should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to emergent detention.
- (b) That the Deputy provide staff with completed "patient report by law enforcement".
- (c) If at any point the individual changes his/her mind regarding voluntary evaluation deputies should proceed with the emergent detention, if appropriate.
- (d) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

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#### **417.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any deputy handling a call involving an individual who may qualify for an emergent detention should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

Emergent detentions should be preferred over arrest for individuals with mental disorders, who are suspected of committing minor crimes or creating other public safety issues.

#### **417.5 TRANSPORTATION**

When transporting any individual for an emergent detention, if practicable the transporting deputy should have Combined Communication Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Shift Commander approval is required before transport commences.

#### **417.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the deputy should provide the staff member with the written application for an emergent detention and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

#### **417.7 DOCUMENTATION**

The deputy should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the emergency application for inclusion in the case report.

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The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary emergent detention.

#### **417.8 REPORTING**

Deputies will complete a police incident report. Additionally, prior to leaving the treatment facility, deputies will complete the treatment facility's Patient Report by Law Enforcement form.

#### **417.9 CRIMINAL OFFENSES**

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken on an emergent detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for an emergent detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergent detention.
- (c) Facilitate the individual's transfer to the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergent detention.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this office to regain custody of the individual, office resources (e.g., posting a guard), and other relevant factors in making this decision.

#### **417.10 FIREARMS AND OTHER WEAPONS**

Whenever an individual is taken into custody for an emergent detention, the handling deputies should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling deputies should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

#### **417.11 TRAINING**

This office will provide office-approved training on interaction with mentally disabled persons, emergent detentions and crisis response and intervention.

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# Animal Control

## 418.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Spokane County Sheriff's Office personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals.

## 418.2 DEPUTY RESPONSIBILITY

The following animal related calls for service will be handled by the deputy.

Deputies may be dispatched to animal related calls and should take appropriate actions to control the situation or until the arrival of Spokane County Regional Animal Protection Services (SCRAPS.) Due to the hazards of handling animals without proper equipment, responding deputies generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the SCRAPS Officer. The following are examples of when a deputy may consider acting before the arrival of the SCRAPS Officer:

- (a) When there is a threat to the public safety.
- (b) When an animal has bitten someone, deputies should take measures to confine the animal and prevent further injury.
- (c) When an animal is creating a traffic hazard.
- (d) When the owner/handler has been arrested and there is no other alternative placement for the animal.
- (e) When the animal is gravely injured.

## 418.3 ANIMAL BITE REPORTS

The on-call SCRAPS officer will be called out and respond to all dog bites. The patrol deputy may respond as a back-up officer.

## 418.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

When SCRAPS is not available, a patrol deputy may respond to a small animal incident and conduct a preliminary investigation. The deputy may attempt to resolve the problem within his/her capabilities or suggest an alternative solution until animal control can handle the incident. The deputy will write a complete report.

### 418.4.1 LARGE ANIMAL IMPOUNDS

- (a) Patrol deputies may be dispatched to complaints of animals (e.g., cattle, horses, mules, donkeys, sheep, goats, swine) at large. (See RCW 16.24, per 16.24.090 it is a misdemeanor for a person to allow horses, mules, donkeys, cattle, goats, sheep or swine to run at large, except in designated range areas, see Spokane County Ordinance 5.08.020 for the description of range areas in Spokane County.)

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- (b) Deputies will use reasonable efforts in locating the legal owner, or person responsible for the animal. When reasonable efforts have been exhausted, the large animal hauler will be contacted. Under certain circumstances animals may be retained by the complaining party, see RCW 16.04.010 through 16.04.040. Following are the steps to take when responding to an animal complaint.
  - 1. Check the area for the owner.
  - 2. If the owner cannot be located, contact the shift supervisor or corporal and request the animal hauler.
  - 3. If there is an immediate public safety hazard standby until the animal hauler picks up the animal.
  - 4. Write a report of the incident.

#### **418.5 INJURED ANIMALS**

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler.

- (a) When the need to kill a seriously injured or dangerous animal is necessary, the department Use of Force Policy § 300 shall be followed. Destruction of an animal shall be undertaken with reasonable prudence. The decision to dispose of a seriously injured animal will rest with the deputy.
- (b) Injured wildlife should be referred to the Department of Fish and Wildlife as applicable.



## Citation Releases

### 419.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Spokane County Sheriff's Office with guidance on when to release adults who are suspected offenders on a citation and notice to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

### 419.2 POLICY

The Spokane County Sheriff's Office will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation and notice to appear in court, when authorized to do so.

### 419.3 RELEASE

A suspected offender may be released on issuance of a citation and notice to appear in court by a deputy whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor (Criminal Rules, CrRLJ 2.1(b)(1)).

### 419.4 CONSIDERATIONS

In determining whether to cite and release a person, deputies shall consider whether (Criminal Rules, CrRLJ 2.1(b)(2)):

- (a) The suspected offender has identified him/herself satisfactorily.
- (b) Detention appears reasonably necessary to prevent imminent bodily harm to the suspected offender or another, property damage or breach of the peace.
- (c) The suspected offender has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he/she will refuse to respond to the citation and notice.
- (d) The suspected offender previously has failed to appear in response to a citation and notice issued pursuant to the court rule or to other lawful process.

### 419.5 BOOKING OF POSTAL WORKERS AND COMMON CARRIERS

Whenever a postal worker for the United States Postal Service (USPS), an operator of a commercial bus or other common carrier is taken into custody, a supervisor shall respond. The responding supervisor shall immediately notify the suspect's employer of the arrest. The supervisor will make a reasonable effort to insure that the USPS or transportation company is allowed to continue the service interrupted by the suspect's arrest.

# Arrest or Detention of Foreign Nationals

## 420.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Spokane County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 420.2 POLICY

The Spokane County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

## 420.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

## 420.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - 4. Honorary consular officers

#### **420.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

#### **420.6 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

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<b>Diplomatic Agent</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Member of Admin and Tech Staff</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Service Staff</b>	Yes (note a)	Yes	Yes	Yes	No for official acts. Yes otherwise (note a).	No immunity or inviolability (note a)
<b>Career Consul Officer</b>	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts. Testimony may not be compelled in any case.	No for official acts. Yes otherwise (note a).	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts. Yes otherwise.	No for official acts. Yes otherwise.	No immunity or inviolability
<b>Consulate Employees</b>	Yes (note a)	Yes	Yes	No for official acts. Yes otherwise.	No for official acts. Yes otherwise (note a).	No immunity or inviolability (note a)
<b>Int'l Org Staff (note b)</b>	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts. Yes otherwise (note c).	No immunity or inviolability
<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official acts. Yes otherwise.	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

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- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

# Rapid Response and Deployment

## 423.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies in situations that call for rapid response and deployment.

## 423.2 POLICY

The Spokane County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Office in protecting themselves or others from death or serious injury.

## 423.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be made based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel, This does not preclude an individual deputy from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the deputies have the ability to effectively communicate with other personnel or resources.

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- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

#### **423.4 CONSIDERATIONS**

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

#### **423.5 PLANNING**

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

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### **423.6 TRAINING**

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).



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# Reporting Police Activity Outside of Jurisdiction

## 425.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Spokane County Sheriff's Office.

### 425.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY

When a deputy is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Shift Commander. If the request is of an emergency nature, the deputy shall notify Combined Communication Center before responding and thereafter notify a supervisor as soon as practical.

### 425.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY

Any on-duty deputy, who engages in law enforcement activities of any type outside the immediate jurisdiction of Spokane County shall notify his/her supervisor or the Shift Commander and the respective jurisdiction at the earliest possible opportunity. Any off-duty deputy who engages in any law enforcement activities, regardless of jurisdiction shall notify the Shift Commander as soon as practical.

The supervisor shall determine if a incident report or other documentation of the deputy's activity is required. The report or other documentation shall be forwarded to the deputy's Division Commander.

# Immigration Violations

## 427.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Spokane County Sheriff's Office for investigating and enforcing immigration laws.

## 427.2 POLICY

It is the policy of the Spokane County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

## 427.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Washington Constitutions.

## 427.4 ENFORCEMENT

A deputy may detain an individual when there are facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law. Federal authorities shall be notified as soon as possible and the detained individual shall be immediately released if the federal authorities do not want the person held. A deputy should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

### 427.4.1 CIVIL VS. CRIMINAL FEDERAL OFFENSES

An individual who enters into the United States illegally has committed a misdemeanor (8 USC § 1325(a)). Generally, an alien who initially made a legal entry into the United States but has remained beyond what is a legal period of time has committed a federal civil offense.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize any person, except to the extent permitted by the United States or Washington Constitutions. Instead, the totality of circumstances shall be used to determine reasonable suspicion, and shall include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal immigration violation has occurred may include, but are not limited to:

- (a) An admission that the person entered the United States illegally.

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- (b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.
- (c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.
- (d) Other factors based upon training and experience.

#### **427.4.2 IMMIGRATION CHECKS**

Immigration status may be determined through any of the following sources:

- (a) A law enforcement officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an alien's immigration status (sometimes referred to as a 287(g) certified officer)
- (b) Immigration and Customs Enforcement (ICE)
- (c) U.S. Customs and Border Protection (CBP)

A deputy shall verify from a 287(g) certified officer, ICE or CBP whether a person's presence in the United States relates to a federal civil violation or a criminal violation.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person. In addition, the deputy should notify a supervisor as soon as practicable. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

A deputy is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities or the potential to obstruct a separate investigation outweigh the need for the detention.

#### **427.4.3 SUPERVISOR RESPONSIBILITIES**

When notified that a deputy has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should:

- (a) Confirm that the detained person's immigration status was properly verified.
- (b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:
  - 1. Transfer to federal authorities.
  - 2. Lawful arrest for a criminal offense or warrant.

#### **427.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT**

Generally, a deputy will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges. Notification will be handled according to jail operation

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procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

#### **427.6 ICE REQUEST FOR ASSISTANCE**

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

#### **427.7 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from ICE
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state or local government entity

##### **427.7.1 IMMIGRATION HOLDS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

#### **427.8 U VISA AND T VISA NON-IMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by a deputy in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by a deputy in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigative Division supervisor assigned to oversee the handling of any related case. The Investigative Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

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1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

### **427.9 TRAINING**

The Training Sergeant shall ensure that all appropriate members receive immigration training.

## Emergency Utility Service

### 430.1 PURPOSE AND SCOPE

The County Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Sheriff's Department. Requests for such service received by this department should be handled in the following manner.

#### 430.1.1 BROKEN WATER LINES

The County's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the County side of the meter, emergency personnel should be called as soon as practical by Combined Communication Center.

#### 430.1.2 ELECTRICAL LINES

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy may be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company should be promptly notified, as appropriate.

#### 430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

#### 430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for utility emergencies is maintained by Combined Communication Center.

### 430.2 TRAFFIC SIGNAL MAINTENANCE

The County of Spokane maintains all traffic signals within the County which it is responsible for.

#### 430.2.1 DEPUTY'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the deputy will advise the Combined Communication Center of the location and problem with the signal and take appropriate action to minimize the danger, i.e., portable signs, barricades or directing traffic. The dispatcher should make the necessary notification to the proper maintenance agency.

# Aircraft Accidents

## 431.1 PURPOSE AND SCOPE

The purpose of this policy is to provide office members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

### 431.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

## 431.2 POLICY

It is the policy of the Spokane County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

## 431.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

## 431.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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### **431.5 NOTIFICATIONS**

When an aircraft accident is reported to this office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)
- (d) Air Support Unit Supervisor

### **431.6 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Medical Examiner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene office supervisor should ensure the accident is still appropriately investigated and documented.

### **431.7 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.



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- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

#### **431.8 DOCUMENTATION**

All aircraft accidents occurring within the County of Spokane shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of SCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

##### **431.8.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

##### **431.8.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

#### **431.9 MEDIA RELATIONS**

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the

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surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

## Field Training Officer Program

### 433.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Spokane County Sheriff's Office.

It is the policy of this department to assign all new sheriff's deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

### 433.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

#### 433.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Must be a non-probationary employee.
- (c) Demonstrated ability as a positive role model.
- (d) Participate and pass an internal oral interview selection process.
- (e) Evaluation by supervisors and current FTOs.
- (f) Holds a valid Peace Officer Certificate with CJTC.

#### 433.2.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete a 40-hour Field Training Officer's Course prior to being assigned as an FTO.

All FTO's will be on probationary status for 12 months following the date of the of the 40 hour FTO course. At that time, the FTO's performance will be reviewed by the FTO Supervisor for retention as permanent FTO status.

### 433.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Patrol Division Commander or his/her designee and shall possess a CJTC Supervisory Certificate.

The responsibilities of the FTO Program Supervisor include the following:

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- (a) Assignment of trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor overall FTO Program.
- (g) Maintain liaison with FTO Coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

#### **433.4 TRAINEE DEFINED**

Any entry level or lateral sheriff's deputy newly appointed to the Spokane County Sheriff's Office who has successfully completed a CJTC approved Basic/Equivalency Academy.

#### **433.5 REQUIRED TRAINING**

Entry level deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 12 weeks.

The training period for a lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

##### **433.5.1 FIELD TRAINING MANUAL**

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Spokane County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Spokane County Sheriff's Office.

#### **433.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

##### **433.6.1 FIELD TRAINING OFFICER**

The FTO will be responsible for the following:

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- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a weekly basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each week.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

#### **433.6.2 FIELD TRAINING SUPERVISOR**

The Field Training Supervisor will review and approve the Weekly Trainee Performance Evaluations submitted by the FTO.

#### **433.6.3 TRAINEE**

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training Program.

#### **433.7 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Weekly Trainee Performance Evaluations.
- (b) End of phase evaluations.
- (c) Remedial Training/Performance Improvement Plans or Memos documenting specific issues as directed by the FTO Supervisor.

#### **433.8 REMEDIAL TRAINING FOR VETERAN DEPUTIES**

When FTO's are required to be involved in the re-training or supplemental training of veteran deputies, the current FTO Training Model shall be used. Reporting of this training will be the same as the FTO Weekly reports.

## Contacts and Temporary Detentions

### 435.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

#### 435.1.1 DEFINITIONS

**Consensual encounter** - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

**Field interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the deputy's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

**Reasonable suspicion** - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Temporary detention** - When a deputy intentionally, through words, actions or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person's freedom of movement.

### 435.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Spokane County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

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#### **435.2.1 INITIATING A FIELD INTERVIEW**

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the deputy.

#### **435.3 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, pat-down searches should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

#### **435.4 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

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#### 435.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should document in a report or FI that the individual consented to a posed photograph(s).

#### 435.4.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

#### 435.4.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Commander should review and forward the photograph to one of the following locations:

- (a) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be entered into CaseGuard.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

#### 435.4.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

### **435.5 POLICY**

The Spokane County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be



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left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

#### **435.6 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, [officers/deputies] should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by office members.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

## Obtaining Air Support

### 436.1 PURPOSE AND SCOPE

The use of the sheriff helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

### 436.2 REQUEST FOR HELICOPTER ASSISTANCE

Requests for air support made by members of the Spokane County Sheriff's Office can be approved by the Air Support Unit supervisor, or by any deputy of the rank of Corporal or higher.

If dispatch receives a request for air support from another agency, dispatch will contact the Air Support Unit supervisor directly. If the Air Support Unit supervisor is unavailable, attempts will be made to contact Air Support Unit Tactical Flight Officers.

#### 436.2.1 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.
- (f) Other situations as determined by the field supervisor.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for deputies on the ground.

## Booking Image Comparison Software

### 438.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the usage of any software capable of biometric processing (facial recognition), including Booking Image Comparison Software. The intent of this policy is to regulate the use of this technology to allow for legitimate law enforcement purposes while protecting the privacy of the citizens of Spokane County. This policy is written to be consistent with Spokane County Sheriff's Lexipol Policy 435 Detentions and Photographing Detainees.

### 438.2 BACKGROUND

The Spokane County Sheriff's Office uses Booking Image Comparison Software (BICS) for the express purpose of assisting deputies, detectives, and analysts in identifying persons lawfully detained or otherwise the subject of a criminal investigation when those persons are unwilling or unable to provide proof of their identity as required by law.

### 438.3 DEFINITIONS

**Booking Image Comparison Software (BICS)**– The facial recognition software and data system used by the Sheriff's Office in cooperation with Forensics Unit maintained in support of legitimate law enforcement efforts to provide public safety.

**Booking Image Comparison Software Application (BICS Application)** – An Android or IOS device facial recognition application loaded onto an agency approved device that operates over a secure cellular wireless connectivity used to send a probe image to the database containing the enrolled images.

**Consensual Encounter** – Occurs when a deputy contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

**Detention** – Occurs when a deputy intentionally, through words, or actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when a deputy restrains a person's freedom of movement.

**Device** – Android or IOS platform on which the BICS Application has been loaded and from which images are captured and sent to the BICS system for comparison results.

**Enrolled Image** – Sheriff's booking photograph as maintained by the Forensic unit and stored on the BICS database.

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**Personal Identifying Information** - PII is information which can be used to distinguish or trace an individual's identity, such as name, social security number, or biometric records, alone or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, or mother's maiden name. PII shall be extracted from the Sheriff's Office restricted data systems for the purpose of law enforcement purposes only.

**Probe Image** – Photograph of an individual's face taken on an approved device that is transmitted through secure wireless path to BICS database for comparison match results.

**Reasonable Suspicion** – Occurs when, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

### **438.4 FIELD PHOTOGRAPHS AND SUBMISSION TO BICS FOR COMPARISON**

When practical, and when it will not negatively impact officer safety, deputies should first request verification of an individual's identity through a query of his or her name, date of birth, and other self-reported identifiers. When verification is not possible, or if the deputy reasonably suspects the self-reported information is false, deputies may request a booking image comparison results.

- (a) The policy of taking photographs of individuals is the same for juveniles and adults. A deputy may photograph a person either in the field or at the station under the following conditions:
  - 1. The person is under arrest for a crime; or
  - 2. The person is being detained as a suspect in a particular crime; or
  - 3. The person is being legally detained for a criminal investigation.
- (b) Requesting BICS comparison information:
  - 1. To identify a suspect of a criminal investigation; or
  - 2. To aid in locating a missing person; or
  - 3. To identify an individual for whom a warrant has been issued.

Before capturing a probe image using the BICS Application, the deputy should carefully consider, among other things, the factors listed below:

#### **438.4.1 BICS APPLICATION IMAGES TAKEN WITH CONSENT**

BICS Application images taken with the deputy's assigned device may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should document in a report or field interview report (FI) that the individual

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consented to a posed photograph that was subsequently processed against the Enrolled Images in the BICS system.

#### 438.4.2 BICS APPLICATION IMAGES TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph (and submission to BICS system) without consent. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The length of the detention should be documented in the deputy's incident report.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs using the BICS Application and submitted to the BICS database for comparison against enrolled images will be destroyed in compliance with this policy 438.5.

#### 438.4.3 RESTRICTIONS

Deputies shall not request booking image comparison results when an individual presents a valid driver's license or state identification card unless:

- (a) The deputy reasonably suspects the driver's license or identification card is forged, altered, or otherwise fraudulent; or
- (b) The deputy reasonably suspects the individual presenting, as his or her own, a driver's license or identification card issued to another person.

Deputies shall only access the personal identifying information (PII) of an individual whose booking image is contained in the results of a BICS query:

- (a) After determining that the individual's enrolled image reasonably matches the probe image submitted for comparison; or
- (b) When the personal identifying information of the person in the enrolled comparison photo would reasonably assist the officer in verifying the identity of the person arrested or detained.

## *Booking Image Comparison Software*

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### **438.5 DELETION OF STORED IMAGES ON DEVICE**

After completing the request for biometric identification results from the BICS system, the probe image used for comparison shall be manually deleted from the device used to capture the image.

### **438.6 SUPERVISOR RESPONSIBILITY**

While it is recognized that the use of biometric (facial) identification can be a valuable investigative tool, supervisors should monitor such practices in view of the above-listed considerations. This is not to imply that supervisor approval is required before use of the BICS Application or software.

Access to the BICS system is strictly limited to law enforcement purposes.

### **438.7 TRAINING**

Sheriff's Office members shall be trained in the following areas prior to using biometric facial recognition field identification:

- (a) The proper and legal use of facial images for facial recognition purposes;
- (b) How to take high quality facial images in the field for best results;
- (c) How to interpret the booking image comparison results obtained via BICS Application and not base decisions entirely upon the comparison results;
- (d) The appropriate use and sharing of information obtained from the BICS database; and
- (e) The deletion of the probe image used for comparison from the device used to capture the image.

Personnel who have not received this training may not utilize the BICS software or application technology.

# Criminal Organizations

## 439.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Spokane County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

### 439.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

## 439.2 POLICY

The Spokane County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this office to collect and share relevant information while respecting the privacy and legal rights of the public.

## 439.3 CRIMINAL INTELLIGENCE SYSTEMS

No office member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20 and RCW 43.43.762.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

### 439.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Division. Any supporting

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documentation for an entry shall be retained by the Records Division in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Division are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

### **439.3.2 SYSTEM ENTRIES**

It is the designated supervisor's responsibility to approve the entry of any information into a criminal intelligence system operated by the state patrol and authorized by RCW 43.43.762. Entries into such a database shall be based upon reasonable suspicion of criminal activity or actual criminal activity, and must be supported by documentation, where documentation is available (RCW 43.43.762(2)).

### **439.4 TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the office-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

#### **439.4.1 FILE CONTENTS**

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible office supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Division or Property and Evidence Facility, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Combined Communication Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.



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### **439.4.2 FILE REVIEW AND PURGING**

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged in compliance with the office records retention schedule or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

### **439.5 INFORMATION RECOGNITION**

Office members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Office supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

### **439.6 RELEASE OF INFORMATION**

Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to office members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

### **439.7 CRIMINAL STREET GANGS**

The Investigative Division supervisor should ensure that there are an appropriate number of office members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

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- (b) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

### **439.8 TRAINING**

The Training Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties
- (b) Participation in a multi-agency criminal intelligence system.
- (c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.
- (f) All users of the Washington criminal street gang database shall receive training on its use prior to accessing the database (RCW 43.43.762).

## Shift Commanders

### **441.1 PURPOSE AND SCOPE**

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with office policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

### **441.2 ACTING SHIFT COMMANDER MAY BE ON CALL**

When a Lieutenant is unavailable for duty as Shift Commander, then another Lieutenant or higher ranking officer may serve as Acting Shift Commander while on-call.

# Mobile Data Terminal Use

## 445.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between office members and Combined Communication Center.

## 445.2 POLICY

Spokane County Sheriff's Office members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

## 445.3 MDD CONSIDERATIONS

MDTThe radio and MDT network are the voice of the Sheriff's Office, both within the office and to the listening public. All members, employees, reserves, and volunteers using the radio and MDC communications systems will do so in a professional and courteous manner.

- (a) Deputies will use the MDT or the radio to check out at every incident, and check back in using either one after completing the call, unless the situation is deemed an officer safety issue. Officer safety should be the primary consideration when using or not using the MDT.
- (b) All calls for service, which are being held in queue will be resolved as early in the shift as practical. Deputies will check incident status ("IS") every 15 minutes or as soon as practical, to ensure any new priority 3, 4, and 5 calls are handled in a timely manner.
- (c) With regard to call type, deputies are responsible for ensuring the calls they are handling are correctly recorded in CAD. In other words, if a call is listed as a "Theft" but after initial investigation, it is determined it actually was a "Robbery" deputies are responsible for changing the call type.
- (d) Deputies must ensure all administrative time is captured in CAD. If a deputy is completing an administrative task (e.g., writing reports, etc.), he/she must indicate this in his/her unit history.
- (e) Deputies should monitor call loads in adjoining districts and assign themselves to those calls when necessary.
- (f) Deputies will notify a supervisor if they are not able to respond to their holding calls in a timely manner.
- (g) The order in which calls are taken from the MDT stack list will depend upon the length of time the call has been holding, the nature of the call, the deputy's proximity to the call, and the deputy's personal knowledge of the call.
- (h) Dispatch or Deputies will assign themselves to priority 3, 4 and 5 calls by MDT.

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- (i) Deputies will be aware some priority 3 and 4 calls may require back-up and will request back-up in those instances. This should be done by voice transmission.
- (j) Deputies will notify both the communications center and a supervisor when they are unavailable for calls, for an extended period of time.
- (k) Deputies may assign themselves to a call, but may not assign another unit to a call.
- (l) When practical data checks should be done by MDT, if possible.
- (m) Deputies should use the MDT for routine activity and routine location changes. Location changes on priority calls should be done via the radio. When clearing a call which requires a WASCIC entry (e.g., stolen vehicle) the deputy should do so via the radio.
- (n) If practical, deputies will use the MDT Self Initiated Activity Mask when initiating an incident. The deputies are responsible for back-up requests.
- (o) The primary unit assigned to a call has the responsibility of assigning the incident disposition code when clearing. Clearing calls should be done by MDT. The primary unit is the only unit to use a primary role disposition code. Additional units should clear by using the appropriate disposition codes..
- (p) All Sergeants will be aware of the guidelines set for patrol deputies and in the use of the MDT, including accurate recording and reporting issues.
- (q) Sergeants are responsible for insuring waiting calls for service are being handled on a timely basis. If waiting calls are not being handled the sergeant will take steps to ensure all deputies are resolving them.
- (r) Sergeants will immediately correct any problems they become aware of in the use of the MDT, whether the issue is the improper use of the MDT or a training error.
- (s) Priority 1 and 2 calls will be dispatched by voice transmission and supplemented by MDD transmission, under normal circumstances (exceptions may be granted when the situation dictates the need for more secure transmissions).
- (t) Priority 3 calls will generally be dispatched by MDT; however, if back-up is required the deputy may be dispatched by voice transmission.
- (u) Priorities 4 and 5 include "cold" misdemeanor crimes, quality of life issues, etc. Generally, priority 4 and 5 incidents will be dispatched by MDT.
- (v) Priority 3, 4, and 5 calls will be dispatched by voice to field units if the call has been holding for more than 30 minutes.
- (w) Communications personnel will provide support services to field units when it is not possible for deputies to use phones, or MDT's.
- (x) "Informational broadcast" and "attempt to locate" information will be broadcast by voice transmission and MDT.
- (y) Communications Supervisors will call complainants back for a status update at least every 60 minutes if there is a lengthy delay in responding to a call.
- (z) Communications Supervisors will notify the Patrol Shift Sergeant when Priority 1 or 2 calls are holding because of a lack of deputies to respond. Further, the Patrol Shift

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Sergeant will be notified if Priority 3, 4, 5 calls have been holding for longer than 45 minutes.

#### **445.4 RESTRICTED ACCESS AND USE**

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift Commanders.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Office. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

##### **445.4.1 USE WHILE DRIVING**

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### **445.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Shift Commander or other office-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the sheriff's radio or electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

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- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

#### **445.5.1 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the sheriff's radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

#### **445.5.2 EMERGENCY ACTIVATION**

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members should ensure a field supervisor and the Shift Commander are notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the sheriff's radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

### **445.6 EQUIPMENT CONSIDERATIONS**

#### **445.6.1 BOMB CALLS**

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

#### **445.6.2 MALFUNCTIONING MDT**

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Combined Communication Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the sheriff's radio.

# Medical Marijuana

## 449.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this office with guidelines for handling and distinguishing between claims of medical marijuana use under Washington's Medical Use of Cannabis Act and criminal controlled substance violations (RCW 69.51A.005 et seq.).

### 449.1.1 DEFINITIONS

Definitions related to this policy include (RCW 69.51A.010):

**Authorization** - Documentation that is signed and dated by a qualifying patient's health care professional, authorizing use of medical marijuana.

**Designated provider** - A person who:

- Is 21 years of age or older and is the parent or guardian of a qualifying patient who is 17 years of age or younger and holds a recognition card.
- Has been designated in writing by a qualifying patient to serve as the designated provider for that patient.
- Has an authorization from the qualifying patient's health care professional.
- Has been entered into the medical marijuana authorization database as being the designated provider to a qualifying patient and has been provided a recognition card.

An individual can act as a designated provider to no more than one patient at a time and is prohibited from consuming marijuana obtained for the use of the qualifying patient and may only provide marijuana to the patient designated to the provider.

**Medical use of marijuana** - The manufacture, production, possession, transportation, delivery, ingestion, application or administration of marijuana for the exclusive benefit of a qualifying patient in the treatment of his/her terminal or debilitating medical condition.

**Qualifying patient** - Any person who meets all of the following criteria:

- Has been diagnosed by his/her health care professional as having a terminal or a debilitating medical condition.
- Is a resident of the state of Washington at the time of such diagnosis.
- Has been advised by his/her health care professional about the risks and benefits of the medical use of marijuana.
- Has been advised by the health care professional that he/she may benefit from the medical use of marijuana or has been entered into the medical marijuana authorization database and has been provided a recognition card.
- Has an authorization from his/her health care professional.
- Is not under supervision for a crime that does not allow for the use of medical marijuana.



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**Recognition Card** - A card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered them into the medical marijuana authorization database.

#### **449.2 POLICY**

It is the policy of the Spokane County Sheriff's Office to prioritize resources to avoid making arrests related to marijuana that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

Washington medical marijuana laws are intended to provide protection from prosecution for those who use, possess, deliver or produce marijuana to mitigate the symptoms of certain debilitating or terminal medical conditions. However, Washington medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana.

Deputies should exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both the individuals protected under Washington law and the resources of the Office.

#### **449.3 INVESTIGATION**

Investigations involving the possession, delivery or production of marijuana generally fall into one of several categories:

- (a) No medicinal claim is made.
- (b) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts within the limits designated by RCW 69.51A.040.
- (c) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts exceeding the limits designated by RCW 69.51A.040 or who presented no authorization when initially contacted.

##### **449.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM**

In any investigation involving the possession (with consideration given to the legal possession of recreational marijuana), delivery or production of marijuana where there is no claim that the marijuana is for medicinal purposes, the deputy should proceed with reasonable enforcement action. A medicinal defense may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the marijuana is possessed or produced for medicinal purposes.

##### **449.3.2 MEDICAL CLAIMS BY QUALIFYING PATIENTS OR DESIGNATED PROVIDERS**

A qualifying patient or designated provider who was entered into the medical marijuana authorization database and who possesses a valid recognition card should not be arrested or cited if he/she possesses no more than six plants in his/her residence with up to 8 ounces of useable marijuana from these plants and any of the following (RCW 69.51A.040; RCW 69.51A.043):

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- (a) 48 ounces of marijuana-infused product in solid form
- (b) 3 ounces of useable marijuana
- (c) 216 ounces of marijuana-infused product in liquid form
- (d) 21 grams of marijuana concentrates

A qualifying patient may be allowed to possess up to 15 plants with up to 16 ounces of useable marijuana in his/her residence for the personal medical use of the patient with appropriate health care professional authorization (RCW 69.51A.210).

Qualifying patients and designated providers may only purchase marijuana at a retail outlet at the same quantities as non-patients (RCW 69.50.360) if they do not have the appropriate authorization (RCW 69.51A.210). Qualifying patients and designated providers may purchase immature plants or clones as defined in RCW 69.50.101 and marijuana seeds from a licensed marijuana producer (RCW 69.51A.310).

If a person is both a qualifying patient and a designated provider for another, he/she may possess no more than double the amounts described above (RCW 69.51A.040(1)).

Deputies may take enforcement action against a designated provider even when the above thresholds are not exceeded if there is evidence that the provider has converted the marijuana for his/her personal use or benefit or has provided for more than one patient within a 15-day period (RCW 69.51A.040).

Deputies may take enforcement action against a qualifying patient even when the above thresholds are not exceeded if there is evidence that the patient possesses or uses the marijuana for his/her personal, non-medical use or benefit (RCW 69.51A.040).

#### 449.3.3 EXCESS AMOUNTS OR NO AUTHORIZATION

A qualifying patient or designated provider may raise an affirmative defense to charges that the amount of marijuana in his/her possession exceeds the amount legally allowed by RCW 69.51A.040 or that he/she presented no authorization when initially contacted by law enforcement (RCW 69.51A.045).

Deputies should conduct a thorough investigation in such cases, but in general, should not arrest a subject for possession, delivery or production of marijuana if an excess amount appears reasonable based upon the above policy considerations. Similarly, if a deputy can verify that authorization exists, even though a recognition card was not presented or obtained by a qualified patient or designated provider, an arrest generally should not be made (RCW 69.51A.043).

All facts should be thoroughly documented and if evidence is not seized, it shall be photographed and detailed in the report.

#### 449.3.4 ADDITIONAL CONSIDERATIONS

Prior to making a physical arrest or confiscating cannabis plants, usable cannabis or product, deputies should consider the following:

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- (a) Whenever the initial investigation reveals an amount greater than specified by law, deputies should, in anticipation of an affirmative defense, consider and document:
  - 1. The medical condition itself.
  - 2. The quality of the marijuana (chemical content).
  - 3. The method of ingestion (e.g., smoking, eating, nebulizer).
  - 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
  - 5. Whether the marijuana is being cultivated indoors or outdoors, and the climate.
- (b) Before proceeding with enforcement related to collective gardens, cooperatives or commercial producers, deputies should consider conferring with appropriate legal counsel and the Washington State Liquor and Cannabis Board for license-related issues (WAC 314-55-410).
- (c) Medical use and possession of marijuana authorized under the Washington medical marijuana statute does not support the forfeiture of property as set forth in the Asset Forfeiture Policy (RCW 69.51A.050).
- (d) Laws and regulations do provide for the cultivation of industrial hemp. The Washington State Department of Agriculture should be contacted should questions arise regarding possible industrial hemp activity (RCW 15.120.020).
- (e) A medical endorsement can be added to a marijuana retail license to allow a retailer to sell marijuana for medical use to qualifying patients and designated providers. Transaction limits apply (WAC 314-55-080; WAC 314-55-095).
- (f) The Washington State Department of Health maintains a Medical Marijuana Authorization Database and regulates marijuana retail outlets with medical marijuana endorsements. This database may be accessed by authorized law enforcement officials for specific criminal investigations (WAC 246-71-010 et seq.).

#### **449.4 EXCEPTIONS**

This policy does not apply to the following offenses; deputies may take enforcement action if the person (RCW 69.51A.060):

- (a) Engages in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or RCW 46.61.504, or equivalent local ordinances.
- (b) Uses or displays medical marijuana in a manner or place open to the view of the public.
- (c) Produces fraudulent documentation.

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### **449.5 FEDERAL LAW ENFORCEMENT**

Deputies may exchange information regarding a marijuana investigation with federal law enforcement authorities when information is requested by federal law enforcement authorities or whenever the deputy reasonably believes federal law enforcement authorities would request the information if the authorities were aware of the information.

## Marine Enforcement Unit

### 452.1 PURPOSE AND SCOPE

The Spokane County Sheriff's Office Marine Enforcement Unit has the responsibility for enforcing water safety and use laws within Spokane County. Deputies assigned to the Marine Enforcement Unit may coordinate efforts with Patrol Division deputies when enforcing laws, ordinances, and regulations pertaining to boating.

Marine Enforcement deputies and Patrol deputies will enforce Spokane County Ordinances (Chapter 6.03), as well as applicable federal and state laws

### 452.2 INVESTIGATIONS

Marine Enforcement deputies or patrol deputies will conduct the preliminary investigation of boating violation complaints, boating accidents, or incidents. When investigating complaints, accidents, or incidents, pertinent information will be gathered and the investigative report will be written. Reports will be routed to the appropriate unit or agency.

Follow-up investigations will normally be assigned to the Marine Enforcement Unit. However, if appropriate, follow-up investigations may be assigned to a detective, or patrol deputy.

#### 452.2.1 BOATING ACCIDENTS

The Marine Enforcement Unit has primary responsibility for investigating boating accidents. Boating accidents will be investigated when an involved party is transported to a medical facility, or there is a death. Boating accidents will be reported when damages to either vessel or property exceeds \$500. Boating accident reports are available at the Department of Emergency Management.

#### 452.2.2 INVESTIGATING BOATING WHILE INTOXICATED

If an accident or incident occurs and the driver of the boat is under the influence of alcohol, the information gathered is the same as if the driver were operating an automobile. However, there is no "implied consent" when operating a boat. Basically this means the deputy relies on the physical elements of the crime (e.g., odor of intoxicants, bloodshot eyes, balance, nystagmus gaze, etc.) to make the arrest (See RCW 88.12.025). The facts and circumstances of the incident should be well documented in the report.

It is recommended a search warrant be obtained to draw blood in those boating incidents/accidents involving death or serious bodily injury.

### 452.3 ASSIST SEARCH AND RESCUE

Marine Enforcement deputies will assist in search and rescue operations, and will respond to coordinate and assist the water rescue team.

- (a) Patrol deputies who respond to an incident where there is a possibility for the need of the water rescue team should inform the dispatch center immediately.

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- (b) Patrol deputies will assist the Marine Enforcement Unit deputies when called upon. The primary responsibility of the patrol deputy is to control on-shore activities, or to conduct on-shore investigations.
- (c) The water rescue team will respond on an as needed basis. The shift sergeant or higher will be notified and briefed on their response.
- (d) The water rescue team will be contacted through dispatch center.

#### **452.4 BOATING SAFETY TRAINING**

Marine Enforcement deputies will present information to the public with regard to boating safety, boating laws and regulations, first aid, and Marine Enforcement Unit functions.

#### **452.5 UNIFORM**

Marine Enforcement Unit uniforms can be found in Marine Enforcement Unit Standard Operating Procedure Manual.

## Foot Pursuits

### 453.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

### 453.2 POLICY

It is the policy of this office that deputies, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to office members, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.

### 453.3 DECISION TO PURSUE

The safety of office members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and office members.

Deputies may be justified in initiating a foot pursuit of any individual that the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place office members and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.

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- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

#### **453.4 GENERAL GUIDELINES**

When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The deputy is acting alone.
- (c) Two or more deputies become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The deputy is unsure of his/her location and direction of travel.
- (e) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the deputy renders him/her incapable of controlling the suspect if apprehended.
- (g) The deputy loses radio contact with the dispatcher or with assisting or backup deputies.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.
- (j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.
- (k) The deputy loses possession of his/her firearm or other essential equipment.
- (l) The deputy or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is



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no immediate threat to office members or the public if the suspect is not immediately apprehended.

- (o) The deputy's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

#### **453.5 RESPONSIBILITIES IN FOOT PURSUITS**

##### **453.5.1 INITIATING DEPUTY RESPONSIBILITIES**

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient deputies are present to safely apprehend the suspect.

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputy unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for deputies, suspects or members of the public.

##### **453.5.2 ASSISTING DEPUTY RESPONSIBILITIES**

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

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#### **453.5.3 SUPERVISOR RESPONSIBILITIES**

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established office guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-foot pursuit activity.

#### **453.5.4 COMBINED COMMUNICATION CENTER RESPONSIBILITIES**

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved deputies.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Shift Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

#### **453.6 REPORTING REQUIREMENTS**

The initiating deputy shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and deputies.
- (f) Whether a suspect was apprehended as well as the means and methods used.
  - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

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- (k) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

## Automated License Plate Readers

### 459.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPR is used by the Spokane County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

### 459.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the RIG 9 Unit Commander. The RIG 9 Unit Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### 459.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR equipment and databases shall only be used for official and legitimate law enforcement business.
- (b) An ALPR equipment and databases may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR equipment and databases may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment, or access ALPR data, without first completing department-approved training.
- (e) If practicable, the deputy should verify an ALPR response through the Central Computerized Enforcement Service System (ACCESS) before taking enforcement action that is based solely upon an ALPR alert.
- (f) No ALPR operator may retrieve ACCESS data unless otherwise authorized to do so.

### 459.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by ALPR equipment are for the official use of the Spokane County Sheriff's Office, and because such data may contain confidential ACCESS information, it is not

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open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The SpokaneRIG 9 Unit Commander is responsible to ensure proper collection and retention of ALPR data.

All ALPR data downloaded to the server shall be stored according to the [Washington State Law Enforcement Records Retention Schedule](#) and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action, or is subject to a lawful action to produce records. In such circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

No video recording in the possession of the Sheriff's Office shall be duplicated and released to the public unless;

- (a) There has been a final disposition of any criminal or civil litigation arising from the event that was recorded; or
- (b) There is nothing contained in the video that readily identifies the individual or individuals that are the subject of the video and the video contains no information that would interfere with any court proceeding related to the event that is the subject of the video.

#### **459.5 ACCOUNTABILITY AND SAFEGUARDS**

All saved data will be closely safeguarded and protected by both procedural and technological means. The Spokane County Sheriff's Office will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Manager and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) ALPR system audits should be conducted on a regular basis.

# Homeless Persons

## 461.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Spokane County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Spokane County Sheriff's Office will address these needs in balance with the overall missions of this department. Therefore, deputies will consider the following policy sections when serving the homeless community (see the Emergent Detentions Policy).

### 461.1.1 POLICY

It is the policy of the Spokane County Sheriff's Office to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

## 461.2 FIELD CONTACTS

Deputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

### 461.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

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- (e) Consider whether the person may be a vulnerable adult and if so, proceed in accordance with the Abuse of Vulnerable Adults Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.
- (h) Document any facts indicating that the offense was intentionally committed because the victim was homeless or perceived to be homeless (RCW 9.94A.535).

#### **461.3 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted.

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to a supervisor.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform a supervisor if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Supervisor to address the matter in a timely fashion.

#### **461.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS**

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness detention is not warranted, the contacting deputy should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

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### **461.5 ECOLOGICAL ISSUES**

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.



## Public Recording of Law Enforcement Activity

### 462.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this office. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 462.2 POLICY

The Spokane County Sheriff's Office recognizes the right of persons to lawfully record members of this office who are performing their official duties. Members of this office will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 462.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the deputies.
  - 4. Being so close to the activity as to interfere with a deputy's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the deputies, him/herself or others.

### 462.4 OFFICER/DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **462.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Office members, such as how and where to file a complaint.

#### **462.6 SEIZING RECORDINGS AS EVIDENCE**

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain

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the evidence is to transmit a copy of the recording from a device to a office-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

# Suspicious Activity Reporting

## 463.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 463.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin or religious affiliation alone should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

## 463.2 POLICY

The Spokane County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

## 463.3 RESPONSIBILITIES

The Investigation Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Division Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

#### **463.4 REPORTING AND INVESTIGATION**

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to a deputy in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, a deputy becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

#### **463.5 HANDLING INFORMATION**

The Records Division will forward copies of SARs, in a timely manner, to the following:

- Investigative Division supervisor
- Crime Analysis Unit
- Other authorized designees

# Crisis Intervention Incidents

## 464.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

### 464.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

## 464.2 POLICY

The Spokane County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Office will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

## 464.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

#### **464.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Sheriff should designate appropriate personnel to collaborate with mental health professionals to develop an education and response protocol. The designated Division Commander should designate a Crisis Intervention Team (CIT) Coordinator who will assist with education and response protocols. It should include a list of community resources, to guide office interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

#### **464.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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#### **464.6 DE-ESCALATION**

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

#### **464.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous sheriff's response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

#### **464.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:



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- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

#### **464.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to office reporting procedures or other official mental health or medical proceedings.

##### **464.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Emergent Detentions Policy.

##### **464.9.2 SUICIDE THREATS OR ATTEMPTS**

Deputies should consider a referral to mental health services when a person has threatened or attempted suicide and the person does not qualify for an emergent detention or voluntarily consent to immediate evaluation at a mental health facility (RCW 71.05.457).

- (a) Referrals should be made to the person by providing the name and phone number of the mental health agency and any available handouts.
- (b) The deputy may notify the mental health agency of the referral by phone or other method, in addition to preparing a written incident report.

Incident reports documenting a referral to a mental health agency should be annotated "Sheena's Law" on the first line of the Narrative. The report should be sufficiently detailed regarding the nature of the incident and the person's behavior, to facilitate the mental health agency's prioritization and nature of their response. The deputy should promptly provide a copy of the report to the referred mental health agency (RCW 71.05.457).

## *Crisis Intervention Incidents*

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### **464.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS**

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

### **464.11 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Office will develop and provide comprehensive education and training to all office members to enable them to effectively interact with persons in crisis.

Training shall include mandated training in crisis intervention, certified by the Criminal Justice Training Commission, as required by Washington law (RCW 43.101.427).

## Medical Aid and Response

### 465.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

### 465.2 POLICY

It is the policy of the Spokane County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 465.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Combined Communication Center and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Combined Communication Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  - 1. Signs and symptoms as observed by the member.
  - 2. Changes in apparent condition.
  - 3. Number of patients, sex and age, if known.
  - 4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
  - 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

# Spokane County Sheriff's Office

## Spokane County SO Policy Manual

### *Medical Aid and Response*

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#### **465.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

#### **465.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with an emergent detention in accordance with the Emergent Detentions Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

##### **465.5.1 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport an arrestee to a hospital without a supervisor's approval.

# Spokane County Sheriff's Office

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### *Medical Aid and Response*

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#### **465.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

#### **465.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Patrol Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Office should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One office member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

# Spokane County Sheriff's Office

## Spokane County SO Policy Manual

### *Medical Aid and Response*

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#### **465.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A semi-automatic external defibrillator or AED should only be used by members who have completed a course approved by the Washington State Department of Health (DOH) that includes instruction in CPR and the use of an AED (RCW 70.54.310).

##### **465.8.1 AED USER RESPONSIBILITY**

Members who are issued AEDs for use in office vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact Combined Communication Center as soon as possible and request response by EMS (RCW 70.54.310).

##### **465.8.2 AED REPORTING**

Any member using an AED will complete an incident report detailing its use. Any data from usage shall be made available, upon request, to EMS or other health care providers (RCW 70.54.310).

##### **465.8.3 AED TRAINING AND MAINTENANCE**

The Training Sergeant should ensure appropriate training is provided to members authorized to use an AED.

The Training Sergeant is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's operational guidelines, and will retain records of all maintenance in accordance with the established records retention schedule (RCW 70.54.310).

#### **465.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Members may administer opioid overdose medication in accordance with protocol specified by the health care practitioner who prescribed the overdose medication for use by the member (RCW 69.41.095).

##### **465.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Sergeant.

Any member who administers an opioid overdose medication should contact Combined Communication Center as soon as possible and request response by EMS.

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### *Medical Aid and Response*

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#### 465.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Sergeant will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

#### 465.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Sergeant should ensure training is provided to members authorized to administer opioid overdose medication.

## Civil Disputes

### 466.1 PURPOSE AND SCOPE

This policy provides members of the Spokane County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Washington law.

### 466.2 POLICY

The Spokane County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this office will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 466.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.



# Spokane County Sheriff's Office

## Spokane County SO Policy Manual

### *Civil Disputes*

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#### **466.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

##### **466.4.1 STANDBY REQUESTS**

Deputies responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items (RCW 26.50.080). Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or he/she may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

#### **466.5 VEHICLES AND PERSONAL PROPERTY**

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

#### **466.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

# Spokane County Sheriff's Office

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## *Civil Disputes*

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### 466.6.1 REQUEST TO REMOVE TRESPASSER DECLARATION

Deputies possessing a lawful declaration signed under penalty of perjury and in the form required by law, may take enforcement action to remove a person from a residence when (Chapter 284 § 1, 2017 Washington laws):

- The person has been allowed a reasonable opportunity to secure and present evidence that the person is lawfully on the premises
- The deputy reasonably believe he/she has probable cause to believe the person is committing criminal trespass under RCW 9A.52.070

A deputy should give the trespasser a reasonable opportunity to vacate the premises before taking enforcement action.

## **Chapter 5 - Traffic Operations**

## Traffic Function and Responsibility

### 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This office provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

### 500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Spokane County Sheriff's Office. Information provided by the Electronic Traffic Information Processing (eTRIP) data retrieval system is a valuable resource for traffic accident occurrences and deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All deputies shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

### 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This office does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance. The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

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### *Traffic Function and Responsibility*

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#### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

#### 500.3.2 CITATIONS AND INFRACTIONS

Citations and infractions may be issued when a deputy believes it is appropriate. It is essential that deputies provide the following upon issuance of a citation or infraction for a traffic violation:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
- (d) Traffic School brochure when appropriate.

#### 500.3.3 ARRESTS FOR TRAFFIC OFFENSES

Deputies may issue a traffic citation for any criminal traffic offense or infraction when such violations are committed in a deputy's presence or as allowed pursuant to RCW 10.31.100. With limited exceptions, the detention in such cases may not be for a period of time longer than is reasonably necessary to issue and serve a citation to the violator.

A traffic-related detention may expand to a physical arrest under the following circumstances:

- (a) When the deputy has probable cause to believe that a felony has been committed, whether or not it was in the deputy's presence
- (b) When the offense is one or more of the traffic violations listed in RCW 10.31.100
- (c) When a driver has been detained for a traffic offense listed in RCW 46.63.020 and fails to provide adequate identification or when the deputy has reasonable grounds to believe that the person to be cited will not respond to a written citation. In such cases, deputies should, when practicable, obtain the approval of a supervisor before making an arrest.

#### **500.4 SUSPENDED OR REVOKED DRIVERS LICENSES**

If a deputy contacts a traffic violator who is also driving on a suspended or revoked license, the deputy should issue a traffic citation or make an arrest as appropriate.

#### 500.4.1 SUSPENDED, REVOKED OR CANCELED COMMERCIAL LICENSE PLATES

If a deputy contacts a traffic violator who is operating a commercial truck, truck tractor or tractor with registration that a computer check confirms to be revoked, suspended or canceled, the deputy shall confiscate the license plates. The Office may either recycle or destroy the plates (RCW 46.32.100).

# Spokane County Sheriff's Office

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### *Traffic Function and Responsibility*

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#### **500.5 HIGH-VISIBILITY VESTS**

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of office members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

##### **500.5.1 REQUIRED USE**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a member of law enforcement.

##### **500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS**

High-visibility vests shall be issued to Sheriff's Office employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (23 CFR 634). It is the responsibility of the employee to maintain the vest in a serviceable condition.

Any damage to high-visibility vests will be handled in accordance with Policy Manual § 700.

#### **500.6 HAZARDOUS ROAD CONDITIONS**

The Spokane County Sheriff's Office will make all reasonable efforts to address all reported hazardous road conditions in a timely manner as circumstances and resources permit.

#### **500.7 SPEED MEASURING DEVICES**

Prior to operating a speed measuring device, the deputy must have successfully completed the department approved training.

Operators shall test and calibrate the equipment in accordance with training.

Unless each and every test result is within the tolerance level set forth by the manufacturer the equipment will be taken out of service and repaired by authorized personnel.

# Traffic Collision Reporting

## 502.1 PURPOSE AND SCOPE

The Spokane County Sheriff's Office prepares traffic collision reports and as a public service makes traffic collision reports available to the community, with some exceptions, through the WSP Records Division.

## 502.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by members of this department shall be forwarded to the SPD Records Division for processing. The Traffic Sergeant will be responsible for monthly and semi-annual reports on traffic collision statistics to be forwarded to the Patrol Division Commander, or other persons as required.

### 502.2.1 STATEWIDE ELECTRONIC COLLISION AND TICKET ONLINE RECORDS (SECTOR)

This department utilizes SECTOR software to complete traffic citations and traffic collision reports. SECTOR shall only be used by those authorized employees who have completed department-approved training in the use of SECTOR software. All traffic collision reports completed with SECTOR software shall comply with established report approval requirements.

All reports completed using SECTOR software should be downloaded to the designated server as soon as practicable or in any case prior to the end of the employee's shift.

## 502.3 REPORTING SITUATIONS

### 502.3.1 TRAFFIC COLLISIONS INVOLVING COUNTY VEHICLES

Traffic collision investigation reports shall be taken when a County-owned vehicle is involved in a traffic collision upon a roadway or highway wherein it meets the reporting threshold, i.e a minimum of \$1,000 damage to any one vehicle or any injury results. A general information report will be taken when the collision does not meet the minimum reporting threshold. Whenever there is damage to a County vehicle, a Property Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage should be taken. A thorough report will be written to document the evidence and circumstances surrounding the collision.

### 502.3.2 TRAFFIC COLLISIONS WITH SHERIFF'S DEPARTMENT EMPLOYEES

When an employee of the Sheriff's Office, either on-duty or off-duty, is in a county vehicle involved in a traffic collision within the jurisdiction of the Spokane County Sheriff's Office resulting in life threatening injuries or fatality, the Fatal Incident Protocol will be invoked.

# Spokane County Sheriff's Office

## Spokane County SO Policy Manual

### *Traffic Collision Reporting*

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#### 502.3.3 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS

The Traffic Sergeant or on-duty Shift Supervisor may request assistance from the Washington State Patrol or Spokane Police Department for the investigation of any traffic collision involving any County official or employee where a serious injury or fatality has occurred.

#### 502.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is:

- (a) A death or injury to any person involved.
- (b) A hit and run violation.
  - 1. Must exceed \$1,000.00 in damage.
  - 2. Presence of sufficient suspect identifiers for follow-up.
- (c) A criminal RCW violation.

An Incident Report may be taken at the discretion of any supervisor.

#### 502.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision.
- (b) When there is an identifiable violation of the Revised Code of Washington.
- (c) Property damage exceeding the dollar amount currently established by WSP.
- (d) When a report is requested by any involved driver.

In all cases where a traffic collision report is required by policy, the current state authorized form will be used to document the collision (RCW 46.52.070).

#### 502.3.6 NON-INJURY TRAFFIC COLLISION RESPONSES MAY BE WAIVED

- (a) When inclement weather creates too many collisions for available resources to respond.
- (b) Lack of available resources would create an excessive wait time for involved parties.

The decision not to respond to a collision may be made by a patrol supervisor or shift commander. Radio supervisors will be notified of the "injury only" response status.

#### 502.4 NOTIFICATION OF TRAFFIC TECHNICIAN/INVESTIGATOR

The shift commander will be notified of all serious injury and/or fatal collisions where the Sheriff's Office is the agency having investigative jurisdiction. In the event of a collision involving a death or substantial bodily harm to any vehicle occupant, pedestrian, or bicyclist, or involving a felony, i.e. vehicular homicide or vehicular assault, a technical collision investigator will respond. The



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shift sergeant or commander shall notify the traffic sergeant or traffic corporal to relate the circumstances of the traffic collision and seek assistance from traffic investigators. If a traffic technician is on-duty, he or she will respond to the scene. If a traffic technician is not available, the traffic sergeant, traffic corporal, shift sergeant or shift commander will call-out the appropriate resources to ensure the collision is investigated by a traffic technician or traffic detective.

## Vehicle Towing Policy

### 510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing/impounding a vehicle by or at the direction of the Spokane County Sheriff's Office.

### 510.2 RESPONSIBILITIES

The responsibilities of those employees towing or impounding a vehicle are as follows.

#### 510.2.1 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested (including when the owner is incapacitated or no longer on scene), a company will be selected from the rotational list of towing companies in Combined Communication Center. This does not apply when a vehicle is needed as evidence of a crime (Vehicular Homicide or assault), in which case a contract tow will be used.

If the owner is incapacitated, unavailable or for any reason it is necessary for the department to remove a vehicle from the public right-of-way to a place of safety, the deputy will complete a Uniform Washington State Tow/Impound and Inventory Record form.

#### 510.2.2 DRIVING A NON-COUNTY VEHICLE

Generally, non-county vehicles should not be driven by sheriff personnel unless it is necessary to move a vehicle a short distance or for exigent circumstances.

#### 510.2.3 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

Whenever a vehicle is reported stolen, recovered, or impounded by the Spokane County Sheriff's Office, the dispatcher will promptly perform the necessary ACCESS transaction(s) to include entry, modify, locate, clear, and cancel.

#### 510.2.4 COMMUNICATIONS SECTION RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Spokane County Sheriff's Office the Communications Section personnel will promptly attempt to notify the legal owner of the recovery. (RCW 7.69.030(7))

# Spokane County Sheriff's Office

## Spokane County SO Policy Manual

### *Vehicle Towing Policy*

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#### **510.3 TOWING SERVICES**

The County of Spokane periodically selects a firm to act as the official tow service (contract tow) and awards a contract to that firm. This firm will be used in the following situations:

- (a) When a Sheriff's office vehicle needs to be towed.
- (b) When a vehicle is being held as evidence in connection with an investigation.

Nothing in this policy shall require the Department to tow a vehicle.

#### **510.4 STORAGE AT ARREST SCENES**

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping for the arrestee's vehicle. The vehicle shall be stored whenever it is mandated by law, needed for the furtherance of an investigation or prosecution of the case or when the Community Caretaker Doctrine would reasonably suggest it. For example, the vehicle would present a traffic hazard if not removed, or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

Deputies should consider reasonable alternatives prior to impounding any vehicle. No impound should occur if a reasonable alternative is available that would ensure the vehicle's protection. Factors that should be considered by deputies in determining whether to impound a vehicle pursuant to this policy include:

- (a) Whether the offense for which the subject was arrested mandates vehicle impound (i.e. DUI, commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor (RCW 9A.88.140(2); RCW 46.55.360).
- (b) Whether someone is available at the scene of the arrest to whom the vehicle could be released.
- (c) Whether the vehicle is impeding the flow of traffic or is a danger to public safety.
- (d) Whether the vehicle can be secured.
- (e) Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.
- (f) Whether there is some reasonable connection between the crime/arrest and the vehicle, or the vehicle is related to the commission of another crime (i.e., the vehicle itself has evidentiary value).
- (g) Whether the owner/operator requests that the vehicle be stored.
- (h) Whether the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.

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### *Vehicle Towing Policy*

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- (i) Whenever a deputy finds an unattended vehicle at the scene of a collision or when the driver of a vehicle involved in a collision is physically or mentally incapable of deciding upon steps to be taken to protect his or her property.
- (j) Whenever a deputy discovers a vehicle that the deputy determined to be a stolen vehicle and the registered or legal owner of the vehicle cannot be contacted or has previously authorized the towing of his/her vehicle upon recovery.

In cases where a vehicle is not stored, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages to the vehicle.

#### **510.5 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. A locked vehicle trunk shall not be opened, even if it may be opened without a key from an accessible area of the passenger compartment. Locked or closed containers located within the passenger compartment should be inventoried as a sealed unit, absent exigent circumstances.

Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in sheriff's custody, to provide for the safety of deputies, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

#### **510.6 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputies should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

#### **510.7 TOWING OF HULK VEHICLES**

Hulk vehicles should be towed by the Abandoned Auto personnel during work hours. They should only be towed by patrol deputies in emergency situations, i.e., blocking the roadway.

## Vehicle Impound Hearings

### 512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound validity hearings.

### 512.2 IMPOUND HEARING

When a vehicle is impounded by any member of the Spokane County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent (RCW 46.55.240).

#### 512.2.1 HEARING PROCEDURES

When requested by a petitioner, an impound hearing will be scheduled by the District Court within 5 days of the receipt of the request. The Department will appoint a Hearing Officer, which is typically one of the Traffic corporals or sergeants, who will serve as the Department's agent and testify at the impound hearing. The employee who caused the removal of the vehicle does not need to be present for this hearing. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing (RCW 46.55.120(3)(e)). The Department's impound hearing agent will determine the reason(s) the vehicle was towed and print out all associated reports dealing with the impoundment. Three copies of the reports will be made " one for the agent, one for the Court, and one for the petitioner. The impound hearing agent should prepare notes for presentation in Court, i.e. sequence of events, attempts to get a hold of the registered owner, respective RCW's, department policy, etc. When the Impound Hearing begins, the impound hearing agent will provide a copy of the reports to the Court and petitioner and then testify to the sequence of events and the reason(s) for the impound. The Department will have the burden of proving by preponderance of the evidence that the vehicle was impounded lawfully and within policy. The District Court will make this determination after weighing all of the evidence brought forward during the impound hearing. If the Department's decision to impound is upheld by the Court, the impound hearing agent will get a copy of the judgment from the Court and give it, along with the copy of reports, to the Traffic lieutenant so they can be saved and on file for possible future appeals by the petitioner . If the case is lost, the impound hearing agent will provide copies of the judgment and reports to the Department's administrative secretary and civil attorney for the appeal process.

## Impaired Driving

### 514.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving under the influence (DUI).

### 514.2 POLICY

The Spokane County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Washington's impaired driving laws.

### 514.3 INVESTIGATIONS

All deputies are expected to enforce these laws with due diligence.

The Traffic Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Washington or another jurisdiction.
- (g) Whether a child under the age of 16 was present in the vehicle (RCW 46.61.507).

### 514.4 FIELD TESTS

The Traffic Sergeant should identify standardized FSTs and any approved alternate tests for deputies to use when investigating violations of DUI laws.

### 514.5 CHEMICAL TESTS

A person implies consent under Washington law to a chemical test or tests of the person's breath and to providing the associated chemical sample under any of the following (RCW 46.20.308):

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- (a) The arresting deputy has reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug.
- (b) The arresting deputy has reasonable grounds to believe a person under the age of 21 was driving or in actual physical control of a motor vehicle while having a blood alcohol concentration of at least 0.02 (RCW 46.61.503).
- (c) The deputy has stopped a person operating a commercial motor vehicle license (CDL) and has reasonable grounds to believe that the person was driving while having alcohol in the person's system (RCW 46.25.120).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

#### 514.5.1 BREATH SAMPLES

The Traffic Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Sergeant.

Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308; RCW 46.25.120).

#### 514.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (RCW 46.61.506). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

A blood sample may be obtained only with the consent of the individual or as otherwise provided in this policy (RCW 46.20.308; RCW 46.25.120).

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#### 514.5.3 STATUTORY NOTIFICATIONS

A deputy requesting that a person submit to a chemical test shall provide the person, prior to administering the test, with the mandatory warnings pursuant to RCW 46.20.308(2) or if driving a commercial vehicle the warnings pursuant to RCW 46.25.120(3).

#### 514.6 REFUSALS

When an arrestee refuses to provide a chemical sample, deputies shall:

- (a) Advise the arrestee of the requirement to provide a sample.
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

#### 514.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who has been arrested and does not consent to a blood test when any of the following conditions exist (RCW 46.20.308; RCW 46.25.120):

- (a) A search warrant has been obtained.
- (b) The deputy can articulate that exigent circumstances exist.

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

#### 514.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.



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1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

#### **514.7 ARREST AND INVESTIGATION**

##### **514.7.1 WARRANTLESS ARREST**

A deputy having probable cause to believe that a person is DUI may make a warrantless arrest of the person whether or not the deputy observed the violation first hand (RCW 10.31.100).

Arrests supported by probable cause for DUI are mandatory if the person has been convicted of DUI in the past 10 years or if the deputy has knowledge based on the information available to him/her that the person is charged with, or is waiting arraignment for, an offense that would qualify as a prior offense as defined by RCW 46.61.5055 if it were a conviction (RCW 10.31.100).

##### **514.7.2 DEPUTY RESPONSIBILITIES**

If a person refuses to submit to a chemical test, or the results from the test render a prohibited alcohol or THC concentration in the person's breath or blood, the deputy shall (RCW 46.20.308(5)):

- (a) Serve the notice of intention to suspend, revoke, or deny the person's license or permit to drive.
- (b) Provide the person with a written notice of his/her right to a hearing before the Department of Licensing (DOL).
- (c) Advise the person that his/her license or permit is a temporary license.
- (d) Immediately notify the DOL of the arrest and within 72 hours transmit to the DOL a sworn report that states:
  1. The deputy had reasonable grounds to believe the person was DUI.
  2. After having received the required statutory warnings, the person either refused to submit to a test of his/her blood or breath or submitted to a test that rendered a prohibited alcohol or THC concentration of the person's breath or blood.

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- (e) Submit a sworn report to the DOL when the person has a CDL and either refused or had a test administered that disclosed a prohibited amount of alcohol or any amount of THC concentration (RCW 46.25.120(5)).

When a person is arrested for a violation of RCW 46.61.502 (DUI) or RCW 46.61.504 (Physical control of vehicle while DUI), the deputy shall make a clear notation on the report if there is a child under the age of 16 present in the vehicle and promptly notify child protective services as required in the Child Abuse Policy (RCW 46.61.507).

#### **514.7.3 ADDITIONAL TESTING**

A person submitting to a chemical test pursuant to this policy may have a qualified person of his/her own choosing administer one or more tests in addition to any administered at the direction of a deputy (RCW 46.20.308(2); RCW 46.61.506).

#### **514.8 RECORDS DIVISION RESPONSIBILITIES**

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

#### **514.9 ADMINISTRATIVE HEARINGS**

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DOL.

Any deputy who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

A deputy called to testify at an administrative hearing should document the hearing date and the DOL file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

#### **514.10 TRAINING**

The Training Sergeant should ensure that deputies participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

## **Traffic Citations and Notices of Infraction (NOI)**

### **516.1 PURPOSE AND SCOPE**

This policy outlines the responsibility for traffic citations and NOIs and the procedure for dismissal, correction, and voiding of traffic citations and NOIs and applies to both paper and SECTOR citations and NOIs. For the purpose of this policy, a citation or NOI is considered issued when the offender is given the offender copy or when the offender's copy is placed in the U.S. mail.

### **516.2 RESPONSIBILITIES**

The clerical staff shall be responsible for the supply and accounting of all paper traffic citations and NOIs issued to employees of this department.

### **516.3 DISMISSAL OF TRAFFIC CITATIONS AND NOI**

Employees of this department do not have the authority to dismiss a citation or NOI once it has been issued. Only the prosecutor or court has the authority to dismiss a citation or NOI that has been issued. Any request from a recipient to dismiss a citation or NOI shall be referred to the Traffic Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation or NOI, the Traffic Sergeant may request the Patrol Division Commander to recommend dismissal of the traffic citation or NOI. If approved, the citation or NOI will be forwarded to the prosecutor's office with a request for dismissal. All recipients of traffic citations or NOI whose request for the dismissal has been denied shall be referred to the prosecutor's office.

### **516.4 VOIDING TRAFFIC CITATIONS AND NOI**

Voiding a traffic citation or NOI may occur when a traffic citation or NOI has not been completed or where it is completed, but not issued. All copies of the paper citation or NOI, or a printed copy of a SECTOR citation or NOI, shall be presented to a supervisor to approve the voiding. A citation or NOI may be voided after having been issued only if the offender copy can be recovered from the violator and a complete void slip is attached for filing. The citation or NOI and copies shall then be forwarded to the clerical staff for filing.

### **516.5 CORRECTION OF TRAFFIC CITATIONS AND NOI**

When a traffic citation or NOI is issued and in need of correction, the deputy issuing the citation or NOI shall submit an informational police report outlining the circumstances of the enforcement action taken, the need for correction or amendment to the original enforcement action and the requested or recommend new charge. The report shall be submitted through the SPD Records Division with a request to be forwarded to the Prosecutor.

### **516.6 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all traffic citations issued by members of this department shall be filed with the SPD Records Division.

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Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to training and from there they go to clerical staff for tracking.

### **516.7 JUVENILE CITATIONS**

Juveniles 16 years and older may be issued traffic infractions and citations in the normal manner. Juveniles under the age of 16 years require a referral through the Juvenile Court system for traffic infractions or criminal traffic offenses.

## Disabled Vehicles

### 520.1 PURPOSE AND SCOPE

This office has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

### 520.2 DEPUTY RESPONSIBILITY

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practical.

### 520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by office personnel will be contingent on the time of day, the location, the availability of office resources, and the vulnerability of the disabled motorist.

#### 520.3.1 MECHANICAL REPAIRS

Office personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

#### 520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this office by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

#### 520.3.3 RELOCATION OF MOTORIST

The relocation of a motorist with a disabled vehicle should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The office member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

### 520.4 POLICY

It is the policy of the Spokane County Sheriff's Office to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

# Abandoned Vehicles

## 524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and impounding of unauthorized vehicles parked in violation of 24 hour time limitations.

## 524.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a roadway after being left unattended for 24 hours shall be marked and noted in the Spokane County Sheriff's Office Abandoned Vehicle log, maintained by the Combined Communication Center.

A notification sticker shall be applied in a visible location and a visible chalk mark should be placed on a tire and the roadway.

If a marked vehicle has been moved or the markings have been removed during a 24-hour investigation period, the vehicle shall be re-marked for another 24-hour period.

### 524.2.1 ABANDONED VEHICLE LOG

The Combined Communication Center shall be responsible for maintaining the abandoned vehicle log.

SCOPE parking enforcement and abandoned vehicle detail shall be responsible for the follow up investigation of all 24-hour unauthorized vehicle violations recorded in the abandoned vehicle log. If a marked vehicle has current Washington registration plates, the deputy or SCOPE volunteer (when tagging the vehicle) shall check the records to learn the identity of the last owner of record. A reasonable effort to contact the owner by telephone and provide notice that if the vehicle is not removed within twenty-four hours from the time the sticker was attached, the vehicle may be impounded and stored at the owner's expense (RCW 46.55.085(2)).

### 524.2.2 VEHICLE STORAGE

A deputy or SCOPE parking enforcement volunteer may impound any vehicle not removed 24 hours after marking (RCW 46.55.085(3)).

The person authorizing the impound of the vehicle shall complete a Uniform Washington State Tow/Impound and Inventory Record form. The completed form shall be submitted to the SPD Records Division by the end of their shift (RCW 46.55.075(2)).

## **Chapter 6 - Investigation Operations**

# Investigation and Prosecution

## **600.1 PURPOSE AND SCOPE**

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

## **600.2 MODIFICATION OF CHARGES FILED**

Deputies are authorized, within the scope of their employment, to recommend to the County Prosecutor or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the County Prosecutor's Office only for a legitimate law enforcement purpose.

## **600.3 CONSTITUTIONAL MATTERS**

All employees of the Spokane County Sheriff's Office shall follow all United States and Washington State Constitutional requirements pertaining to custodial situations; including, but not limited to, search and seizure, access to counsel and interview and interrogation.

## **600.4 CUSTODIAL INTERROGATION REQUIREMENTS**

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Deputies should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the deputy reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigative Division supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Deputies should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.



# Asset Forfeiture

## 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Spokane County Sheriff's Office seizes property for forfeiture or when the Spokane County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The office member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Office and the assigned attorney.

**Property subject to forfeiture** - Generally includes, but is not limited to:

- (a) Firearms that were carried, possessed or sold illegally (RCW 9.41.098).
- (b) Devices, profits, proceeds, associated equipment and conveyances related to illegal gambling (RCW 9.46.231).
- (c) Interests, proceeds, etc. related to organized crime (RCW 9A.82.060), criminal profiteering (RCW 9A.82.080), human trafficking (RCW 9A.40.100), commercial sexual abuse of a minor (RCW 9.68A.100) or promoting prostitution (RCW 9A.88.070) (RCW 9A.82.100).
- (d) Proceeds traceable to or derived from money laundering (RCW 9A.83.020; RCW 9A.83.030).
- (e) Property acquired or maintained in relation to commercial sexual abuse of a minor (RCW 9.68A.100), promoting commercial sexual abuse of a minor (RCW 9.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070), and conveyances used to facilitate these offenses (RCW 9A.88.150).
- (f) Personal property, money, a vehicle, etc. that was used to commit a felony or was acquired through the commission of a felony not covered under another forfeiture statute (RCW 10.105.010).
- (g) Personal property, money, a vehicle, etc. that was acquired through the commission of a crime involving theft, trafficking or unlawful possession of commercial metal property, or facilitating such crimes (RCW 19.290.230).

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- (h) Conveyances, including aircraft, vehicles or vessels, used for the violation of the Uniform Controlled Substances Act and proceeds from these violations (money, real property, etc.) (RCW 69.50.505).
- (i) Boats, vehicles, gear, etc. used for poaching/wildlife crimes (RCW 77.15.070).

**Seizure** - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

#### 606.2 POLICY

The Spokane County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Spokane County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

#### 606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

##### 606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Real or personal property subject to forfeiture identified in a court order authorizing seizure.
- (b) Property subject to forfeiture without a court order when the property is lawfully seized incident to an arrest, the service of a search warrant or the service of an administrative inspection warrant.
- (c) Property subject to forfeiture can also be seized without a court order when:
  - 1. There is probable cause to believe that the property was used or is intended to be used for illegal gambling (RCW 9.46.231).
  - 2. There is probable cause to believe that the property was used or is intended to be used for the commercial sexual abuse of a minor (RCW 9.68A.100; RCW 9.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070) (RCW 9A.88.150).
  - 3. There is probable cause to believe that the property was used or is intended to be used in the commission of any felony (RCW 10.105.010). See also separate statutes regarding seizures for felonies involving commercial metal,

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“bootlegging,” criminal profiteering or money laundering (RCW 19.290.230; RCW 66.32.020; RCW 9A.82.100; RCW 9A.83.030).

4. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act (RCW 69.50.505).
5. There is probable cause to believe that the property was used or is intended to be used for poaching/wildlife crimes (RCW 77.15.070).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

#### 606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Property from an “innocent owner,” or a person who had no knowledge of the offense or who did not consent to the property's use.
- (c) No vehicle or other conveyance based on a misdemeanor involving marijuana (RCW 69.50.505).
- (d) Vehicles/conveyances that would be subject to forfeiture if more than 10 days have elapsed since the owner's arrest and no court order has been issued (RCW 9.46.231; RCW 9A.88.150; RCW 69.50.505).

#### 606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The deputy will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be

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booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

#### **606.5 MAINTAINING SEIZED PROPERTY**

The Property and Evidence Facility Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

#### **606.6 FORFEITURE REVIEWER**

The Sheriff will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Office on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly those cited in this policy and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Office and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

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- (f) Ensuring that seizure forms are available and appropriate for office use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:
  - 1. Names and contact information for all relevant persons and law enforcement officers involved.
  - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
  - 3. A space for the signature of the person from whom cash or property is being seized.
  - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that deputies who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
  - 1. Written documentation of the seizure and the items seized is in the case file.
  - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
    - (a) Generally, 15 days' notice. (Gambling RCW 9A.46.231; Money laundering RCW 9A.83.030; Child prostitution RCW 9A.88.150; Felonies RCW 10.105.010; Commercial metal RCW 19.290.230; Controlled substances RCW 69.50.505; Fish and wildlife enforcement RCW 77.15.070).
    - (b) Generally, 10 days' notice for conveyances. (Gambling RCW 9A.46.231; Child prostitution RCW 9A.88.150; Controlled substances RCW 69.50.505).
  - 4. Property is promptly released to those entitled to its return.
  - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.

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6. Any cash received is deposited with the fiscal agent.
  7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
  8. Current minimum forfeiture thresholds are communicated appropriately to deputies.
  9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan is available that enables the Sheriff to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
  - (j) Ensuring that the process of selling or adding forfeited property to the office's regular inventory is in accordance with all applicable laws and consistent with the office's use and disposition of similar property.
  - (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Spokane County Sheriff's Office unless the Sheriff authorizes in writing the retention of the property for official use.
  - (l) Addressing any landlord claims for reimbursement through forfeited assets or damage to property (RCW 9.46.231; RCW 69.50.505).
  - (m) Compensating victims of commercial metal crimes within 120 days (RCW 19.290.230).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives.

#### **606.7 DISPOSITION OF PROPERTY**

No member of this office may use property that has been seized for forfeiture until the forfeiture action has been completed and the Sheriff has given written authorization to retain the property for official use. No office member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

# Informants

## 608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Spokane County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Spokane County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

## 608.2 POLICY

The Spokane County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

## 608.3 USE OF INFORMANTS

### 608.3.1 INITIAL APPROVAL

Before using an individual as an confidential informant, approval must be given by the investigative unit supervisor or his/her designee.. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this office should not guarantee absolute safety or confidentiality to an informant.

### 608.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Sheriff or the authorized designee

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#### **608.3.3 INFORMANT AGREEMENTS**

All informants are required to sign and abide by the provisions of the designated office informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

#### **608.4 INFORMANT INTEGRITY**

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Division Commander, Investigation Bureau supervisor or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Spokane County Sheriff's Office, and that they shall not represent themselves as such.
- (d) The relationship between office members and informants shall always be ethical and professional.
  - 1. Members shall not become intimately involved with an informant.
  - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Investigation Bureau supervisor.
  - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the Investigation Bureau supervisor.
  - 1. Deputies may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.
- (g) In all instances when office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.



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#### **608.4.1 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Office and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of a deputy.
- (c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this office to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.
- (h) The Supervisor shall document the decision and conditions in the file notes and mark the file "unsuitable" and make a WSIN entry when appropriate.

#### **608.5 INFORMANT FILES**

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of office members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Investigation Bureau. The Investigation Bureau supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Division Commander, Investigation Bureau supervisor or their authorized designees.

The Investigation Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Investigation Bureau supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file

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content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

#### **608.5.1 FILE SYSTEM PROCEDURE**

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
  - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the deputy initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant
- (m) Documentation of entry of informant into WSIN

#### **608.6 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Investigation Bureau supervisor will discuss the above factors with the Patrol Division Commander and recommend the type and level of payment subject to approval by the Sheriff.

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#### 608.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a Investigation Bureau buy/expense fund.
  - 1. The Investigation Bureau supervisor shall sign the voucher for cash payouts from the buy/expense fund.
  - 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
  - 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case
- (b) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.
  - 1. The cash transfer form shall include the following:
    - (a) Date
    - (b) Payment amount
    - (c) Spokane County Sheriff's Office case number
    - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
  - 2. The cash transfer form shall be signed by the informant.
  - 3. The cash transfer form will be kept in the informant's file.

#### 608.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

#### 608.6.3 AUDIT OF PAYMENTS

The Investigation Bureau supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and

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related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

# Eyewitness Identification

## 610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this office employ eyewitness identification techniques.

### 610.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

## 610.2 POLICY

The Spokane County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## 610.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigative Division Commander shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

#### **610.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

#### **610.6 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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### **610.7 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect.

In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

### **610.8 FIELD IDENTIFICATION CONSIDERATIONS**

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

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- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.



## Brady Material Disclosure

### 612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

#### 612.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady information** -Information known or possessed by the Spokane County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 612.2 POLICY

The Spokane County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Spokane County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### 612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files); the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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### **612.4 DISCLOSURE OF PERSONNEL INFORMATION**

The Spokane County Sheriff's Office will comply with the disclosure mandate procedure provided by the relevant prosecuting authority. These procedures are attached.

[See attachment: County\\_Disclosure\\_Mandate\\_Procedure.pdf](#)

### **612.5 INVESTIGATING BRADY ISSUES**

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

### **612.6 TRAINING**

Department personnel should receive periodic training on the requirements of this policy.

# Unmanned Aerial System (UAS) Operations

## 613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 613.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned Aerial System (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

## 613.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

## 613.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

## 613.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require authorization of the Sheriff or the authorized designee, depending on the type of mission.

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### *Unmanned Aerial System (UAS) Operations*

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- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.

#### **613.5 USE OF UAS**

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should be conducted in accordance with current FAA Part 107 regulations, any Part 107 waivers issued by the FAA to the Spokane Regional Air Support Unit or existing COA's issued by the FAA to the Spokane Regional Air Support Unit.

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## *Unmanned Aerial System (UAS) Operations*

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### **613.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

### **613.7 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the established records retention schedule.

# Operations Planning and Deconfliction

## 614.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 614.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by deputies on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

## 614.2 POLICY

It is the policy of the Spokane County Sheriff's Office to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

## 614.3 RISK ASSESSMENT

### 614.3.1 RISK ASSESSMENT FORM PREPARATION

Deputies assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the deputy should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the deputy should also submit information to these resources.

The deputy should gather available information that includes, but is not limited to:

- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

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- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to deputies and others (e.g., making an off-site arrest or detention of the subject of investigation).

#### 614.3.2 RISK ASSESSMENT REVIEW

Deputies will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their shift commander (or designee).

The shift commander (or designee) shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

#### 614.3.3 HIGH-RISK OPERATIONS

If the Shift Commander (or designee), after consultation with the involved supervisor, determines that the operation is high risk, they should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
  - 1. Special Weapons and Tactics Team (SWAT)
  - 2. Additional personnel
  - 3. Outside agency assistance
  - 4. Special equipment
  - 5. Medical personnel
  - 6. Persons trained in negotiation
  - 7. Additional surveillance
  - 8. Canines
  - 9. Property and Evidence Facility or analytical personnel to assist with cataloguing seizures
  - 10. Forensic specialists
  - 11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.

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- (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
- (d) Coordinate the actual operation.

#### **614.4 DECONFLICTION**

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The deputy who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The deputy should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

#### **614.5 FIELD SAFETY PLAN**

The Shift Commander (or designee) should ensure that a field safety plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
  - 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
  - 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
  - 3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
  - 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children



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- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
  - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
  - 1. An adequate number of uniformed deputies should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
  - 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control Procedures policies.
- (k) Communications plan
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

#### **614.5.1 FIELD SAFETY PLAN RETENTION**

Since the field safety plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The field safety plan shall be stored separately and retained in accordance with the established records retention schedule.

#### **614.6 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the field safety plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the field safety plan. Any items to be seized should be identified at the briefing.
- (c) The Shift Commander (or designee) shall ensure that all participants are visually identifiable as law enforcement officers.

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1. Exceptions may be made by the Shift Commander (or designee) for deputies who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
  1. It is the responsibility of the Shift Commander (or designee) to ensure that Combined Communication Center is notified of the time and location of the operation, and to provide a copy of the field safety plan prior to deputies arriving at the location.
  2. If the radio channel needs to be monitored by Combined Communication Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the field safety plan.
  3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

#### **614.7 SWAT PARTICIPATION**

If the Shift Commander (or designee) determines that SWAT participation is appropriate, the Shift Commander (or designee) and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the deputies present.

#### **614.8 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **614.9 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

#### **614.10 TRAINING**

The Training Sergeant should ensure deputies and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

## Warrant Service

### 615.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol deputies.

### 615.2 POLICY

It is the policy of the Spokane County Sheriff's Office to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

### 615.3 SHIFT COMMANDER (OR DESIGNEE)

The Shift Commander (or designee) (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service

The Shift Commander (or designee) will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

### 615.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the Shift Commander (or designee) for review and classification of risk (see the Operations Planning and Deconfliction Policy).

### 615.5 ARREST WARRANTS

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should complete the risk assessment form and submit it to the appropriate supervisor and the Shift Commander (or designee) for review and classification of risk (see the Operations Planning and Deconfliction Policy).

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If the warrant is classified as high risk, service will be coordinated by the Shift Commander (or designee). If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

#### **615.6 WARRANT PREPARATION**

A deputy who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

#### **615.7 HIGH-RISK WARRANT SERVICE**

The Shift Commander or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded when announcing to everyone present that

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the conversation is going to be recorded and said announcement is recorded except if allowed by the warrant (RCW 9.73.030).

- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

#### **615.8 DETENTIONS DURING WARRANT SERVICE**

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

#### **615.9 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

#### **615.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The Shift Commander (or designee) will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums

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of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Shift Commander (or designee). The Shift Commander (or designee) should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Shift Commander (or designee) should ensure that members of the Spokane County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Spokane County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If deputies intend to serve a warrant outside Spokane County Sheriff's Office jurisdiction, the Shift Commander (or designee) should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the Spokane County Sheriff's Office when assisting outside agencies or serving a warrant outside Spokane County Sheriff's Office jurisdiction.

#### **615.11 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **615.12 TRAINING**

The Training Sergeant should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

# Sexual Assault Investigations

## 616.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

### 616.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in RCW 9A.44.010 et seq. and RCW 9A.64.020.

**Multidisciplinary Team (MDT)** - generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; Child Advocacy Center (CAC); Child Protective Services (CPS); forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 616.2 POLICY

It is the policy of the Spokane County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 616.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the MDT's

## 616.4 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Combined Communication Center, should be the health and safety of the victim, the preservation

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of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim Witness Assistance Policy.

Child Interview - For details see the attached Spokane County Sheriff's Office Child Interview Investigation Protocol and read the Child Abuse Policy.

[See attachment: SC Child Abuse Investigations Protocol - FINAL 2019.pdf](#)

#### 616.4.1 POLYGRAPH EXAMINATION OF VICTIM

Victims of alleged sex offenses shall not be asked or required to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense. The refusal of a victim to submit to a polygraph or other truth telling device shall not by itself prevent the investigation, charging or prosecution of the offense (RCW 10.58.038; 34 USC § 10451).

#### 616.4.2 VICTIM CONFIDENTIALITY

A victim who seeks to have his/her address remain confidential should be referred to the Office of the Secretary of State to submit an application to participate in the address confidentiality program (RCW 40.24.030).

Information identifying a child victim under the age of 18 is confidential and not subject to release to the press or public without the permission of the child or the child's legal guardian unless allowed by law and as provided in RCW 10.97.130. Identifying information includes the child's name, address, location, photographs and the relationship of the child victim in cases where the alleged perpetrator is a relative or stepparent (RCW 10.97.130).

#### 616.4.3 VICTIM PERSONAL REPRESENTATIVE

A victim may choose a personal representative to accompany him/her to the hospital or other health care facility and to any proceeding concerning the alleged sexual assault, including interviews. A personal representative includes a friend, relative, attorney, employee or volunteer from a community sexual assault program (Lutheran Community Service) or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).



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#### 616.4.4 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, it is critical to the investigation that a urine sample from the victim be collected by a medical professional.

If resources allow, kits or biological evidence from all rape cases, including cases where the suspect is known by the victim, should be submitted for biological testing. The result and the case information should be entered into state and national registries in a timely manner.

All evidence from cases where the suspect is a stranger to the victim shall be transmitted in a timely manner to the proper forensics lab for processing all relevant biological evidence.

#### 616.4.5 SUBMISSION OF SEXUAL ASSAULT EXAMINATION KITS

Sexual assault examination kit requests shall be submitted to an approved lab within 30 days with a request for testing when an adult victim has consented to the submission or the victim is an unemancipated person 17 years of age or younger (RCW 70.125.090).

#### 616.4.6 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigative Division supervisor.

Classification of a rape case as unfounded requires the Investigative Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence to support the recanted information before the case should be determined as unfounded.

#### 616.4.7 CASE REVIEW

The Investigative Division supervisor should ensure case dispositions are reviewed on a periodic basis using an identified group that is independent of the investigation process. MDT should be considered for involvement in this audit.

#### 616.4.8 STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM

This system is under development by the Washington State Patrol but not yet implemented. Per RCW 43.43.545, all entities in the custody of a sexual assault kit(s) shall fully participate in the system no later than June 1, 2018.

### **616.5 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigative Division supervisor should weigh the risk

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of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

#### **616.6 TRAINING**

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.
  - 3. Victim advocacy.
  - 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  - 1. Interviewing sexual assault victims.
  - 2. SART.
  - 3. Medical and legal aspects of sexual assault investigations.
  - 4. Serial crimes investigations.
  - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  - 6. Techniques for communicating with victims to minimize trauma.
  - 7. The course provided by the Washington State Criminal Justice Training Commission on investigating and prosecuting sexual assault cases developed pursuant to RCW 43.101.270.
  - 8. Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

## FreeTalks

### 617.1 PURPOSE AND SCOPE

This policy is intended to provide guidance regarding the concept of using "free-talk" to develop investigative information from a criminal defendant.

### 617.2 DEFINITION OF "FREE TALK"

A "free-talk" is a voluntary conversation between the State and a defendant where neither party makes any commitments whatsoever. Neither the State nor the defendant is obligated to the follow-up in any way. There is no obligation of the State to offer a reduction or "deal" of any type in exchange for the "free-talk". Likewise, there is no obligation of the defendant to testify or take any further action. Either party may walk away from a "free-talk" any time.

### 617.3 REQUIRED APPROVAL AND PARTICIPATION BY PROSECUTOR

Sheriff's commissioned personnel shall not engage in, initiate, or participate in a "free talk" without prior approval from the Spokane County Prosecutor or his designee. "Free talks" shall be conducted in the presence of the Prosecutor or his/her Deputy Attorney.

### 617.4 STATEMENTS GIVEN BY DEFENDANT

The defendant understands that every statement must be the complete and absolute truth. The State only wants to hear the whole truth even if it might damage an ongoing prosecution or investigation. This "free-talk" is the defendant's only chance to tell us the absolute, 100 percent, whole truth about what the defendant knows. If the defendant holds back information, that information will be used later to impeach the defendant's credibility and will be seen by the State as a failure of the defendant to comply with the terms of any negotiated settlement that may occur on the defendant's case.

Statements made by the defendant will be documented in a detailed written report. Digital recording of the free talk will occur when agreed upon by all participants.

### 617.5 STATEMENTS MAY BE USED AS EVIDENCE

No statements made during the "free-talk" will be offered as evidence against the defendant in any criminal case or sentencing, except that, in the event the defendant is a witness at any official proceeding for any party and offers testimony materially different from any statements made or other information provided during the "free-talk", the attorney for the State may cross examine the defendant concerning the statements made or information provided during the "free-talk" discussions. This provision is necessary in order to assure that the defendant does not abuse the opportunity for a "free talk" proffer and does not make materially false statements to a government agency or commit perjury should the above named defendant testify at any trial.

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#### **617.6 USE OF STATEMENTS TO PURSUE INVESTIGATIVE LEADS**

The State may make derivative use of and may pursue any investigative leads suggested by the statements or other information provided by the defendant during the "free-talk".

#### **617.7 EXCULPATORY INFORMATION**

The defendants must understand that any information provided that is in any way exculpatory the State is required by law to turn this information over to that person. Exculpatory information is any information that helps any person accused of a crime.

#### **617.8 DEFENDANT PARTICIPATION**

The mere participation by the defendant in a "free-talk" does not automatically entitle the defendant to a reduction of his/her sentence or require the State to notify the Court that the "free-talk" occurred.

## Chapter 7 - Equipment

## Department Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Sheriff's Office employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

### 700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff or his/her designee who will then forward the claim to Risk Management.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

#### **700.3.1 REPORTING REQUIREMENT**

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

Employees will use the Sheriff's Office Property Damage Report when reporting damage to property. Some incidents may require additional forms (e.g., traffic collision report form, incident report, etc.).

#### **700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

#### **700.5 SUPERVISORS RESPONSIBILITIES**

Supervisors should survey damages, take photographs, and interview involved parties and witnesses.

#### **700.6 NOTIFICATION TO RISK MANAGEMENT**

It is mandatory that a copy of the following reports be forwarded to Risk Management:

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- Collisions involving county vehicles.
- Damage to county property.

Risk Management will be notified via email, to the "on-call loss control specialist," of the following incidents:

- Damage to private property caused by our (the Sheriff's Office) actions.

The "on-call loss control specialist" will be notified telephonically of the following incidents:

- Collisions involving county employees using a personal vehicle for county business.
- Incidents occurring on county property resulting in property damage.



## Personal Communication Devices

### 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs) wireless capable tablets and similar wireless two-way communications and/or portable internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the internet.

### 702.2 POLICY

The Spokane County Sheriff's Office allows members to utilize office-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Office, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

### 702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

### 702.4 OFFICE-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Office may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Office-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Sheriff or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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#### **702.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any office business-related communication.
  - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Sheriff.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Office, without the express authorization of the Sheriff or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Office to access the PCD to inspect and copy data to meet the needs of the Office, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Office with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Spokane County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in office business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty office-related business activities in any manner shall promptly provide the Office with a copy of such records to ensure accurate record keeping.

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#### **702.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct office business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official office business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official office business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

#### **702.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
  - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or the authorized designee.

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### **702.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles other than authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use and the use complies with Chapter 334, 2017 Laws PV. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

# Vehicle Maintenance

## 704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Office vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

## 704.2 DEFECTIVE VEHICLES

When an office vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

### 704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

### 704.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

### 704.2.3 REMOVAL OF WEAPONS

All Firearms, weapons and control devices shall be removed from a vehicle and properly secured by the individual assigned the equipment prior to the vehicle being released for maintenance, service or repair.

## 704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all office vehicles for emergency purposes and to perform routine duties.

### 704.3.1 PATROL VEHICLES

Deputies shall frequently inspect their assigned patrol vehicle, or daily inspect pool vehicles to ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- Roll barricade tape
- First aid kit
- Traffic cones
- Fire extinguisher

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- Blanket
- Sharps container

#### **704.3.2 UNMARKED VEHICLES**

An employee driving unmarked office vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 1 First aid kit
- 1 Fire extinguisher
- Personal Protective Equipment per the Communicable Diseases and Body Armor policies

#### **704.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, deputies driving pool patrol vehicles should not bring a patrol vehicle in for shift change or place a patrol vehicle on the lot with less than 3/4 tank of fuel. Vehicles should only be refueled at authorized locations.

#### **704.5 WASHING OF VEHICLES**

The interior and exterior of all units shall be kept clean and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

#### **704.6 CIVILIAN EMPLOYEE USE**

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## Vehicle Use

### 706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure office vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of office vehicles and shall not be construed to create or imply any contractual obligation by the County of Spokane to provide assigned take-home vehicles.

### 706.2 POLICY

The Spokane County Sheriff's Office provides vehicles for office-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments and other considerations.

#### 706.2.1 PATROL VEHICLE ASSIGNMENT

The assignment of new, replacement take-home patrol vehicles will be based on assignment (unit and precinct) and upon the following factors:

- (a) Prior record of vehicle/equipment care - This will be based on the record that the employee has acquired through periodic vehicle inspections, feedback from the fleet manager, driving record and the quantity and nature of damage reports involving department vehicles and equipment.
- (b) Work performance - This will include statistical comparisons to peers within the same shift and precinct and the supervisor's assessment of relative work quality.
- (c) Seniority - If consideration of items above do not present a meaningful and articulable difference between personnel, seniority will be used to determine vehicle assignment.

#### 706.2.2 DETECTIVE VEHICLE ASSIGNMENT

The assignment of new, replacement vehicles to investigative personnel will be conducted in similar fashion based on metrics specific to their investigative assignment.

### 706.3 USE OF VEHICLES

#### 706.3.1 SHIFT ASSIGNED VEHICLES

The Shift Commander shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

#### 706.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift Commander. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

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#### 706.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this office shall be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All office vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

Supervisors shall be responsible for conducting quarterly vehicle inspections for vehicles assigned to their personnel and for documenting these inspections using the SCSO Vehicle Inspection Form.

#### 706.3.4 SECURITY AND UNATTENDED VEHICLES

- (a) To be eligible for take-home patrol vehicle assignment employees assigned to SCSO unincorporated patrol must reside within Spokane County or within 20 miles of the border of Spokane County. Spokane Valley patrol personnel must live within Spokane County or within 20 miles of the City limits of Spokane Valley.
- (b) Personnel assigned to Spokane Valley shall be within the city limits of Spokane Valley for the duration of their shift (excluding trips to jail, follow-up investigation, back-up, etc.). Personnel assigned to unincorporated shall be within Spokane County for the duration of their shift (excluding follow-up investigation, back-up, etc.).
- (c) The assignment of vehicles is at the discretion of the Sheriff. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.



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#### 706.3.5 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify Combined Communication Center if necessary. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

#### 706.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

#### 706.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

The loss of a key shall be promptly reported in writing through the member's chain of command.

#### 706.3.8 AUTHORIZED PASSENGERS

Employees may transport civilian passengers in a county vehicle. However, employees are obligated to respond to certain events and a civilian passenger may be stranded during this type of situation.

Citizen ride-along participants will fill out hold harmless forms before they ride with patrol officers or detectives during a regular duty assignment.

With prior approval from the Sheriff or designee, civilian passengers may be allowed to accompany employees in a county vehicle to meetings or training locations outside of the Spokane area. It is imperative that the employee receives prior approval, as there may be specific liability attached to the county and the employee, should the vehicle be involved in a collision. Employees attending a school or working out of town may take passengers to meal breaks, hotels and other reasonable locations associated with their assignments.

If an employee has a question about a specific use of a county vehicle, he/she should ask his/her supervisor.

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Members operating office vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

#### 706.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any office vehicle unless it is required by the duty assignment (e.g., task force, undercover work) and approved by a supervisor. Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

#### 706.3.10 PARKING

Except when responding to an emergency or when urgent office-related business requires otherwise, members driving office vehicles should obey all parking regulations at all times.

Office vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to office vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

#### 706.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

#### 706.3.12 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service.. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

### **706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Office vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

#### 706.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other office members at the discretion of the Sheriff or the authorized designee.

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#### 706.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where office vehicles must be used by members to commute to and from a work assignment. Members may take home office vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Office.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Spokane County limits.
- (d) Off-street parking should be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) Unattended vehicles are to be locked and secured at all times.
  - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
  - 2. All weapons shall be secured while the vehicle is unattended.
  - 3. All office identification, portable radios and equipment should be secured.

#### 706.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the County of Spokane is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County of Spokane may be required to secure the vehicle at a designated location or the Office at the discretion of the Sheriff.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Assigned County Vehicles shall be used for work related purposes. Vehicles may be used to conduct non-county activities that occur contemporaneously to assigned work activities, with prior authorization from a supervisor.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:

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1. In circumstances when a member has been placed on call by the Sheriff or Division Commanders and there is a high probability that the member will be called back to duty.
  2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
  3. When the member has received permission from the Sheriff or Division Commanders.
  4. When the vehicle is being used by the Sheriff, Division Commanders or members who are in on-call administrative positions.
  5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms, badge, and agency issued Identification Card and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
  2. All weapons shall be secured while the vehicle is unattended.
  3. All office identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Sheriff or the authorized designee.
- (h) Vehicles are to be secured at the member's residence or the appropriate office facility, at the discretion of the Office when a member will be away (e.g., on vacation) for periods exceeding one week.
1. If the vehicle remains at the residence of the member, the Office shall have access to the vehicle.
  2. If the member is unable to provide access to the vehicle, it shall be parked at the Office.
- (i) The member is responsible for the care and maintenance of the vehicle.

#### 706.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Spokane County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

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Deputies driving take-home vehicles shall be armed, appropriately attired and carry their office-issued identification. Deputies should also ensure that office radio communication capabilities are maintained to the extent feasible.

#### **706.4.5 MAINTENANCE**

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Office. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the office supervisor in charge of vehicle maintenance.
- (d) The Office shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will notify the Fleet Manager, explaining maintenance needed.
- (f) Supervisors shall make, at a minimum, quarterly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

#### **706.5 DAMAGE, ABUSE AND MISUSE**

When any office vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collisions Reporting Policy).

Damage to any office vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

#### **706.6 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempt from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating office vehicles on a toll road shall adhere to the following:

- (a) Members operating office vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.

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- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

#### **706.7 ATTIRE AND APPEARANCE**

When operating any office vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Office.

## Vehicle Accident Review Board

### 707.1 PURPOSE AND SCOPE

The safe and efficient operation of Sheriff's Office vehicles is critical for the accomplishment of the mission for which we exist because if we don't get there, we can't help. While RCW 46.61.035 authorizes emergency vehicle responses in certain situations, the provisions of the statute 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 protect the driver from the consequences of his or her reckless disregard for the safety of others. It is the objective of the Sheriff's Office to minimize the number of vehicle accidents our members are involved in. To further that objective, the Sheriff's Office carefully reviews and analyzes each vehicle accident to determine the member's compliance with applicable laws and Sheriff's Office policy, and to evaluate the effectiveness of existing training and policy. This review is conducted by the Vehicle Accident Review Board (VARB). The VARB reviews all on-duty vehicle accidents involving members of this agency as well as all off-duty accidents involving Sheriff's Office vehicles.

### 707.2 STRUCTURE

The VARB consists of members of this agency appointed by the Sheriff and consists of:

- (a) The Division Commander of the involved member.
- (b) The Shift Commander/Lieutenant of the involved member.
- (c) An E.V.O.C. instructor.
- (d) A traffic collision investigator from the Traffic Unit.
- (e) A peer of the involved member of the same rank.

The Division Commander will chair the Board and preside over the meetings. The Shift/Unit Commander will be the recorder and be responsible for completing the VARB Findings and Recommendation form and sending it to the Sheriff for review. The VARB will meet on a regular basis as determined by the Sheriff.

### 707.3 OBJECTIVES AND RESPONSIBILITIES

The VARB will review the facts and circumstances of each vehicle accident as contained in the vehicle accident investigative packet provided them by the involved member's Shift/Unit Commander. It will be the objective and responsibility of the VARB to determine:

- (a) If the accident was properly reported by the involved member.
- (b) If the accident was properly investigated by the on-duty patrol supervisor or another qualified member of this or another agency.
- (c) If the accident was a result of the actions or inactions of the involved member.
- (d) If the accident was a result of deficiencies in training.

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- (e) If the accident was a result of deficiencies in policy.
- (f) If the accident was a result of an equipment failure or defect.
- (g) If the accident was preventable.
- (h) If any Sheriff's Office policy violations were committed by the involved member.
- (i) If any criminal law or traffic code violations were committed by the involved member.

Factors the Board should consider when assessing whether a member was at fault in an accident include but are not limited to:

- (a) Did the member perceive an impending hazard or adverse road condition and take steps to minimize the potential for an accident?
- (b) Did the member fail to exercise due care?
- (c) Did the member operate their vehicle in a negligent or reckless manner?
- (d) Did the member violate state law or Sheriff's Office policy?
- (e) Did the member deviate from general safe vehicle operation practices?
- (f) Was the member legally stopped, standing or parked at the time of the accident?
- (g) Were there exigent or mitigating circumstances beyond the involved member's control that contributed to the cause of the accident?

#### **707.4 FINDINGS AND RECOMMENDATIONS**

Following the review of each accident, the VARB will complete and submit a Findings and Recommendations form to the Sheriff. The form will include:

- (a) The Board's determination as to the cause of the accident and whether or not the involved member was at fault.
- (b) The Board's recommendation for corrective action and/or discipline when a member is deemed at fault in the accident.
- (c) The Board's recommendation for corrective action if the cause of the accident is determined to be a policy, training or equipment issue.

#### **707.5 CORRECTIVE ACTION/DISCIPLINE GUIDELINES**

Corrective / disciplinary action for sustained findings of policy violations for at-fault vehicle accidents will be in keeping with the provisions of applicable collective bargaining agreements and should be progressive in nature unless mitigating circumstances justify deviation. The final decision on corrective action / discipline lies with the Sheriff.

When considering what corrective / disciplinary action is appropriate for a sustained policy violation, factors the Board should consider include, but not necessarily be limited to:



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- (a) The mitigating factors involved in the deputy's decision to deviate from policy.
- (b) The magnitude of the departure from sound judgment based on the circumstances known to the deputy at the time of the accident.
- (c) The potential likelihood that the involved deputy's actions would result in serious injury or property damage.
- (d) The underlying reason for the accident i.e. inattention, distraction, negligence or recklessness.
- (e) Mitigating circumstances beyond the involved member's control.
- (f) The involved member's level of experience and/or specific training.
- (g) The involved member's driving history.
- (h) The involved member's disciplinary history.

The following corrective action / disciplinary measures are available to the Sheriff when a member is determined to be at fault in a traffic accident:

- Coach, guide and direct. (Not disciplinary)
- Remedial driving training. (Not disciplinary)
- Corrective Action Plan. (Not disciplinary)
- Documented verbal counseling. (Shift, Division or Sheriff's level)
- Documented oral reprimand. (Placed in a member's Administrative File)
- Written reprimand. (Placed in member's Administrative File)
- Suspension.
- Loss of take-home car privileges.
- Last Chance Agreement.
- Termination.

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## Cash Handling, Security and Management

### 708.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

### 708.2 POLICY

It is the policy of the Spokane County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

### 708.3 PETTY CASH FUNDS

The Sheriff shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

### 708.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

### 708.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Sheriff, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Sheriff.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Sheriff or the County.

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### *Cash Handling, Security and Management*

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#### **708.6 ROUTINE CASH HANDLING**

Those who handle cash as part of their property or Investigation Bureau supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

#### **708.7 OTHER CASH HANDLING**

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

## **Chapter 8 - Support Services**

# Crime Analysis

## 800.1 PURPOSE AND SCOPE

The Crime Analysis Unit, consisting of information analysis, Intelligence analysis and information support functions, shall be responsible for the collection, collation, analysis (the proactive identification of specific crime trends and turning information into intelligence), dissemination and feedback evaluation of crime data. Crime analysis and intelligence information will be made available to operational management as an aid to developing tactics, strategies and long range plans for the agency. The unit, with the approval of the appropriate supervisor, shall also share specific portions of crime analysis and intelligence information with other authorized law enforcement entities. The Crime Analysis Unit will be the collection and analysis hub of Intelligence Led Policing for the agency.

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

## 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data (CAD)
- Records Management System (RMS)
- Jail Management System (JMS)
- Electronic Traffic Information Processing (eTRIP) data

## 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors

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### *Crime Analysis*

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- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

#### **800.4 CRIME ANALYSIS DISSEMINATION**

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

# Combined Communication Center

## 802.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Combined Communication Center. It addresses the immediate information needs of the Office in the course of its normal daily activities and during emergencies.

## 802.2 POLICY

It is the policy of the Spokane County Sheriff's Office to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Office provides two-way radio capability for continuous communication between Combined Communication Center and office members in the field.

## 802.3 COMBINED COMMUNICATION CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Combined Communication Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Combined Communication Center.

Access to Combined Communication Center shall be limited to Combined Communication Center members, the Shift Commander, command staff and office members with a specific business-related purpose.

## 802.4 CALL HANDLING

This office provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a

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### *Combined Communication Center*

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language-appropriate authorized interpreter is available in Combined Communication Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

#### **802.4.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding office members and affected individuals.

Emergency calls should be dispatched immediately. The Shift Commander shall be notified of pending emergency calls for service when office members are unavailable for dispatch.

#### **802.4.2 NON-EMERGENCY CALLS**

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

### **802.5 RESPONSIBILITIES**

#### **802.5.1 COMMUNICATIONS MANAGER**

The Sheriff shall appoint and delegate certain responsibilities to a Communications Manager. The Communications Manager is directly responsible to the Patrol Division Commander or the authorized designee.

The responsibilities of the Communications Manager include, but are not limited to:

- (a) Overseeing the efficient and effective operation of Combined Communication Center in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
  - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Combined Communication Center information for release.



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- (f) Maintaining Combined Communication Center database systems.
- (g) Maintaining and updating Combined Communication Center procedures manual.
  - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
  - 2. Ensuring dispatcher compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of County personnel to be notified in the event of a utility service emergency.

#### 802.5.2 ADDITIONAL PROCEDURES

The Communications Manager should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Shift Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for Combined Communication Center (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

#### 802.5.3 DISPATCHERS

Dispatchers report to the Communications Manager. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
  - 1. Emergency 9-1-1 lines.

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2. Business telephone lines.
  3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
  4. Radio communications with office members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
  5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of office members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
  - (c) Inquiry and entry of information through Combined Communication Center, office and other law enforcement database systems (e.g., Department of Licensing (DOL) records, Washington Crime Information Center (WACIC), National Crime Information Center (NCIC).
  - (d) Monitoring office video surveillance systems.
  - (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
  - (f) Notifying the Shift Commander or field supervisor of emergency activity, including, but not limited to:
    1. Vehicle pursuits.
    2. Foot pursuits.
    3. Assignment of emergency response.

#### **802.6 RADIO COMMUNICATIONS**

The sheriff's radio system is for official use only, to be used by dispatchers to communicate with office members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Manager shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

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#### **802.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

Spokane County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

#### **802.6.2 RADIO IDENTIFICATION**

Radio call signs are assigned to office members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the office member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate office member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the office station name or number.

#### **802.7 DOCUMENTATION**

It shall be the responsibility of Combined Communication Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

#### **802.8 CONFIDENTIALITY**

Information that becomes available through Combined Communication Center may be confidential or sensitive in nature. All members of Combined Communication Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

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## *Combined Communication Center*

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Automated data, such as DOL records, warrants, criminal history information, records of internal sheriff's files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

# Property and Evidence

## 804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

## 804.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence**- Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Office for safekeeping such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

**Found Property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

## 804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

### 804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right hand corner of the bag.

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- (e) The property information shall be submitted and stored in the BEAST property system except when a property release form is used to release property not stored in property system. The property release form shall be submitted with the case report for property released that is not stored in the property facility.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

#### 804.3.2 EXPLOSIVES

The Evidence Facility will not store any kind of explosive or incendiary device unless it has been detonated/defused and certified safe by the Explosive Device Unit (EDU).

All Class C fireworks and firecrackers will be photographed and placed in the yellow "Firework Destruction" barrel located in the officers booking area. If it is necessary to retain the fireworks or firecrackers as evidence, log item(s) into BEAST with locker designation "OSBUNKER." Contact EDU for transport to the appropriate bunker.

Class A or B explosives and 50 caliber rifle ammunition will be logged into BEAST with locker designation "OSBUNKER." Contact EDU for transport to the appropriate storage bunker.

#### 804.3.3 EXCEPTIONAL HANDLING

Certain property items require a specific handling. The following items shall be processed in the described manner:

- (a) Firearms - All firearms will be treated as if they were loaded. Clearing barrels are available at the Property and Evidence Facility. All firearms submitted into the Property and Evidence Facility will be unloaded and rendered safe by the booking officer. Specific packaging requirements for firearms are outlined in detail in the Property and Evidence Facility SOP. Strict adherence to the packaging policy is required. All firearms must have the magazine removed and will have safety ties threaded through the barrel and magazine port if applicable. Do not remove bullets from any magazine. Upon entry into the Property and Evidence Facility, every firearm will be required to meet the safety and packaging criteria, if not, the booking officer will be contacted to return to the Property and Evidence Facility to fulfill the requirement. The only exception to this policy is a firearm that requires forensic analysis prior to removing the magazine and/or ammunition. These firearms will require specific identification that the firearm is loaded. These firearms will not be received or handled by evidence technicians. The firearm will remain in the temporary locker until a detective/sergeant removes the firearm from the facility.
- (b) Sexual assault kits - Blood and Urine samples should be packaged separate from the hospital kit. The evidence label can be placed directly on the hospital kit on an area that does not interfere with existing markings or identification. The kits, blood, and urine are to be placed in the temporary refrigerator storage.
- (c) Currency - All US currency shall be counted and the value entered into the BEAST system's value field.

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- (d) Jewelry - High value jewelry must be itemized separately from other evidence items so that they can be stored in the vault.
- (e) Food - Perishable food items are not stored in the Property and Evidence Facility. These items should be photographed and released or logged in for destruction. The only exceptions are items related to homicides or other major crimes. The perishable items will be refrigerated or frozen.
- (f) Alcohol - With the exception of felony and ATF cases, alcohol should be photographed and put directly in the destroy bins. If a representative sample is required, retain one can or bottle for evidence. Sample packaging bottles are also available to empty contents of an open container. Seal all sample bottles.
- (g) Vehicles - Vehicles taken for evidence by Spokane Sheriff's Deputies must be entered into the BEAST system.
- (h) Hit-and-run - Hit and run non injury/unattended vehicle parts will be held for 60 days. City or County traffic units must request the vehicle parts be held longer if investigation or court is pending.
- (i) License plates - License plates found not to be stolen or connected with a known crime, should be logged in as safekeeping and the owner identified. Canceled plates are to be photo/photocopied and put in destroy bin. Do not log canceled plates unless needed as evidence
- (j) Pressurized gas, liquid fuels, and odorous containers - These items are deemed hazardous and require special storage and handling. Log these types of items into BEAST with a temporary locker designation "TC05." Tag the item(s) and put it in the yellow ventilated storage cage located outside in the East officer entry lot.
- (k) Wet items - Property and evidence items that are wet or damp must be temporary located in the drying room to air dry prior to packaging. The officer will log items into Evidence to initiate chain of custody, generate reports & packaging labels. A drying room card shall be filled out by the booking officer and used in the notification process. Assigned Detectives or unit Sergeants are sent the removal notification after items are dry to remove and package the items.
- (l) Electronic media - All electronic media of evidentiary value including but not limited to video cassette tapes, memory cards or devices, computer disks, cell phones, etc., shall be stored in the Property and Evidence Facility in its original form prior to making any duplicates/copies. All subsequent duplicate copies of the data shall be coordinated by the case manager. The exception to this is digital photography recorded by the deputy(see policy 814.5.2, Computer and Digital Evidence).
- (m) Biohazards - Blood/Urine/Perishable Samples - Styrofoam packaging is available for glass vial(s) if not provided by the hospital or WSP. The evidence label can be placed directly on the Styrofoam vial packaging. All other perishable items shall be packaged in a plastic resealable bag and then put into a brown paper bag. All bodily fluids will have a biohazard label affixed to the packaging. All perishable items are to be placed in the temporary refrigerator storage during non-business hours and directly on the check in counter during business hours.

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- (n) Firearms or dangerous weapons subject to DV surrender order - Firearms or dangerous weapons surrendered to law enforcement officers will be logged into the facility using the DVGUN offense code. This code will not have a statute of limitations. The firearm(s) or dangerous weapon(s) will be held for the duration of the order or as otherwise rescinded or revised by the court. The item entry purpose code is DVGUN.
- (o) County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.
- (p) Bodily Fluids such as blood or semen stains shall be air dried prior to booking.
- (q) All bicycles and bicycles frames shall be entered into the BEAST system. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the evidence technician, or placed in the bicycle storage area.
- (r) All cash shall be counted and the envelope initialed prior to entering into the BEAST System. The Shift Supervisor shall be contacted for cash in excess of \$1,000.

#### 804.3.4 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the Department is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the assigned deputy, detective or the property and evidence technician to ensure that the following notifications are completed.

The owner of the property will be notified of the seizure and intended forfeiture of the seized property within 15 days following the seizure. Notification includes any person having any known right or legal interest in the seized property, including any community property interest. The notice of the seizure may be made by any method authorized by law (RCW 10.105.010).

The notification will include the legal reason for the seizure and information regarding how to appeal the pending forfeiture.

Notification procedures for property seized under Asset Forfeiture (RCW 69.50.505) are detailed in § 606.3.

#### 804.3.5 STORAGE OF SURRENDERED FIREARMS

Deputies shall accept and store a firearm from any individual who has been ordered by a court under RCW 9.41.800 (Surrender of weapons) or the Extreme Risk Protection Order Act to surrender the firearm. The deputy receiving the firearm shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the firearm's serial number.
- (c) Record the date that the firearm was accepted for storage.
- (d) Prepare a property receipt form and provide a copy to the individual who surrendered the firearm.



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1. If the firearm was surrendered pursuant to the Extreme Risk Protection Order Act, the original receipt should be forwarded promptly to the Records Manager for timely filing with the court (RCW 7.94.090).

The evidence technician shall store a firearm accepted pursuant to this policy.

#### **804.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs.
- (b) Firearms (ensure they are unloaded and booked separately from ammunition).
- (c) Property with more than one known owner.
- (d) Fireworks.
- (e) Contraband.

##### **804.4.1 PACKAGING CONTAINER**

Specific packaging products are available to package all property and evidence items. Refer to the Spokane Regional Evidence Facility Evidence Packaging Manual for required packaging procedures.

Evidence items that require latent prints must have a Forensic Request form submitted with the items. Large and/or heavy items submitted with a Forensic Request form will be put directly into the forensic print room located within the Property and Evidence Facility. A door marked "forensic print room" is accessible from the officers booking area.

##### **804.4.2 PACKAGING NARCOTICS**

The deputy seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly logged, packaged, tagged, and placed in the designated temporary locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the deputy's report.

The deputy seizing narcotics and dangerous drugs shall ensure that it is properly logged, packaged, tagged, and placed in the designated temporary locker. All narcotics, over-the-counter medications, marijuana, and dangerous drugs are to be packaged in drug envelopes and are not to be packaged with other property.

All drug items, including over the counter, shall be packaged in a plastic resealable bag and then put into a drug envelope. Attach a drug envelope with label on larger drug items packaged in a brown or burlap bag. Any syringe that is submitted into the facility will be packaged in a protective syringe keeper, then placed in a drug envelope. The package and Evidence Report must be marked with "bio-hazard" notation. DOA prescription medications do not need to be packaged in plastic resealable bag. Itemize the medications and the specific quantity of pills in the incident report. Only log ONE item into BEAST, for example: the item description would state "Various

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Prescription Medications." DOA prescription medications are logged in under the safekeeping classification and disposition is determined by the County Medical Examiner.

Marijuana grow operations: Leave pots and soil at the scene. Cut and package plants in brown paper or burlap bags. Do not package plant material in plastic. Cut a representative sample and put in a paper bag/drug envelope for analysis by the WSP Crime Lab. All dried plant material except the representative sample will be destroyed. Remove glass bulbs from reflective shields and package individually. Disassemble reflective shields.

The booking officer shall initial all tape seals in the manner prescribed by the WSP packaging guidelines.

#### **804.5 RECORDING OF PROPERTY**

The evidence technician will receive and maintain the chain of custody of each item submitted into the Property and Evidence Facility. The Evidence Report form is used to track status, location, and disposition of all property and evidence items. Electronic signatures are captured anytime the item is removed from the storage location for viewing and/or any time the items are removed from the facility.

#### **804.6 PROPERTY CONTROL**

Each time the evidence technician receives property or releases property to another person, he/she shall enter this information in the chain of custody section of the Evidence report.

Law enforcement requests for property and evidence items shall be submitted at least one day prior to the date needed. The request can be made through the Bar-coded Evidence Analysis Statistical Tracking ~ BEAST ~ system, email, or by telephone. All property and evidence items, other than items released to the owner, must be signed for by a law enforcement officer. Any request by a prosecutor to view felony evidence must be confirmed and accompanied by the case detective. Prosecutors may view misdemeanor evidence in the Property and Evidence Facility without accompaniment. All other viewing requests shall be approved and accompanied by a case manager.

##### **804.6.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry shall be made in the BEAST chain of custody system.

The case detective or unit sergeant shall authorize the disposition or release of all evidence and property. Detective rank and higher is required for release on all felony cases. City or County prosecutors can authorize disposal of items related to assigned misdemeanor cases. All firearms require release instructions from the respective unit's detectives or sergeants. The safekeeping classification implies authorization to release.

##### **804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The transporting employee will sign out the evidence in BEAST prior to removing it from the Evidence Facility.

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The WSP Lab forms will be transported with the property to the WSP laboratory. Upon delivering the item(s), the transporting employee will record the delivery time on the WSP form. The original copy of the WSP Lab form will remain with the evidence and a copy will be retained in the case file.

### 804.6.3 STATUS OF PROPERTY

Evidence technicians will make the appropriate entry to document the chain of custody for each property/evidence item received. Temporary release of property to officers for investigative purposes, or for court, shall be entered in the BEAST chain of custody system, stating the date, time, and to whom released.

The property and evidence technician shall obtain the signature of the person to whom property is released. Any officer or authorized employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

Evidence technicians will make the appropriate entry to document the chain of custody in the Evidence Report form, indicating the date and time that the property was received back into the facility.

### 804.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigative Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Office.

### 804.6.5 STATUTORY RELEASE OF PROPERTY

Whenever personal property comes into the possession of the Sheriff's Office in connection with official performance of deputies duties and the property remains unclaimed or not taken away for a period of sixty (60) days from date of written notice to the property owner, if known, which notice shall inform the owner of the disposition which may be made of the property under this section and the time that the owner has to claim the property and in all other cases for a period of sixty (60) days from the time the property came into the possession of the Sheriff's Office, unless the property has been held as evidence in any court, then, in that event, after sixty (60) days from date when the case has been finally disposed of and the property released as evidence by order of the court, the Department may (RCW 63.32.010 and 63.40.010):

- (a) At any time thereafter sell the property at public auction to the highest and best bidder for cash in the manner provided by RCW 63.32 and 63.40 or
- (b) Retain the property for the use of the Sheriff's Office subject to giving notice in the manner prescribed in RCW 63.32.020 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the Sheriff, the property consists of firearms or other items specifically usable in law enforcement work, provided that at the end of each calendar year during which there has been such a retention, the Sheriff's Office shall provide a list of such retained items and an

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estimation of each item's replacement value. At the end of the one year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2) or

- (c) Destroy an item of personal property at the discretion of the Chief of Police or Sheriff if he/she determines that the following circumstances have occurred:
1. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property and
  2. The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section and
  3. The Chief of Police or Sheriff has determined that the item is unsafe and unable to be made safe for use by any member of the general public.

If the item is retained for law enforcement purposes as in (b) above, the item may be removed from the control of the Property and Evidence Facility for law enforcement purposes. Property shall be requested by and may be released to authorized employees of the:

- Spokane Police Department
- Spokane County Sheriff's Office
- Regional Drug Task Force
- Regional and affiliated law enforcement agencies

Statutory regulations require diligent tracking and auditing of any item removed from the Property and Evidence Facility, therefore the type of items that are eligible for removal and retention are very limited. Only items that are of such a unique nature that they cannot be otherwise obtained through normal purchase procedures will be considered for removal and retention. No other items will be authorized for removal from the Property/Evidence Facility.

The condition, inventory, and quantity of property removed for law enforcement use is the responsibility of the employee and/or agency who has custody of the property. Internal Affairs will perform an annual audit on the retained property. To retain property for law enforcement purposes, a Law Enforcement Property Retention Request form must be submitted to the employee's chain of command for approval. Any item that an employee and/or agency wish to retain must strictly meet the criteria listed above for approval to be granted. If the item is approved, the Property and Evidence Facility will release the property to the requesting unit ensuring compliance with the requirements in RCW 63.32.020 or 63.40.020. The property will be added to the retained property inventory. An inventory will be maintained and available for public inspection. The Property and Evidence Facility supervisor will create a current inventory list no later than January 31 of every year, and forward copies to the following:

- Police Internal Affairs
- Mayor or City Council
- County Administrative Officer

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If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in RCW 63.32.020 and 63.40.020, may be offered by the Chief of Police or Sheriff to bona fide dealers, in trade for law enforcement equipment, which equipment shall be treated as retained property for purpose of annual listing requirements of the RCW or if the item is not unsafe or illegal to possess or sell, but has been, or may be used, in the judgment of the Chief of Police or Sheriff, in a manner that is illegal, such item may be destroyed (RCW 63.32.010 and 63.40.010).

A property and evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original Evidence Report form. After release of all property entered on the Evidence Report form, the form shall be forwarded to the Records Division for filing with the case. If some items of property have not been released the Evidence Report form will remain with the Property and Evidence Facility. Upon release, the proper entry shall be documented in the Evidence Report form.

#### **804.6.6 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held at the Property and Evidence Facility. An evidence technician will refer to the detective/sergeant, as applicable, to confirm and establish ownership. Such property shall not be released until one party has obtained a valid court order or law enforcement authorization to settle the dispute. Whenever there are claims for items that have been disposed of, citizens will be referred to City or County Risk Management departments to settle any disputes.

#### **804.6.7 DESTRUCTION OF NARCOTICS AND DANGEROUS DRUGS**

Spokane Police Department Internal Affairs will conduct and witness narcotic and firearm destruction.

#### **804.6.8 PROPERTY DEPICTING A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT**

No property or material that depicts a minor engaged in sexually explicit conduct shall be copied, photographed or duplicated except by the Digital Forensic Specialist as part of an investigation(RCW9A.68A.110(4)). Such material shall remain under the control of this department or the court and shall be made reasonably available for inspection by the parties to a criminal proceeding involving the material. The defendant may only view these materials while in the presence of his/her attorney or an individual appointed by the court either at this department or a neutral facility as approved by the court (RCW 9.68.001). Any request for inspecting such material should be brought to the attention of the assigned investigator or an investigation supervisor.

#### **804.7 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property and evidence technician may send a Disposition or Status form on all property that

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has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

#### **804.7.1 RELEASE OF FIREARMS IN EXTREME RISK PROTECTION ORDER MATTERS**

If an extreme risk protection order is terminated or expires without renewal, a firearm taken or surrendered pursuant to the order shall be returned to the person after (RCW 7.94.100):

- (a) Confirming through a background check that the person is currently eligible to possess the firearm under federal and state law.
- (b) Confirming with the court that the extreme risk protection order is no longer in effect.
- (c) Notice has been provided to a family or household member who requested notification.

If an individual other than the restrained person claims title to any firearms surrendered or taken into custody, and that individual is determined to be the lawful owner and a lawful possessor of the firearm, the firearm shall be returned to that individual provided that he/she agrees to store the firearm in a manner that prevents the restrained person from access (RCW 7.94.090).

#### **804.8 INSPECTIONS OF THE EVIDENCE ROOM**

Spokane Police Department Internal Affairs will conduct annual spot inspections.

- (a) On a monthly basis, the supervisor or designated safety officer of the Property and Evidence Facility shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually.
- (c) An annual audit of drug, currency, firearm, and high value jewelry containers stored in the Property and Evidence Facility shall be conducted and documented by the Property and Evidence Facility supervisor. A perpetual inventory of all other stored items is maintained in BEAST. Inventory reports shall be available for review by the Sheriff.
- (d) A full inventory of sensitive items, to include drugs, currency, firearms, and high value jewelry containers is conducted whenever a change of the Evidence Supervisor occurs.

#### **804.8.1 PROPERTY AND EVIDENCE OFFICE SECURITY**

Access to the Spokane Police Department Property and Evidence Facility is restricted to authorized personnel only. It shall be the responsibility of the property and evidence technician to control all access to the Property and Evidence Facility.

The property and evidence technician shall maintain a log of all persons entering the secured area of the Property and Evidence Facility. Personnel, other than those assigned to the Property and Evidence Facility, who have legitimate business in the secured area will be required to record their name, the date, time and purpose for entry.

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#### **804.9 INMATE PROPERTY**

The receipt, storage, returns and disposal of inmate personal property, to include juveniles, is governed by Spokane County Code Chapter 1.32, WAC Chapter 137-36, and RCW 63.42. All personal property shall be taken from the inmates upon their being booked and shall be retained in the custody of Juvenile Detention staff or Detention Services staff.

(a) Personal property exceptions:

1. Weapons and items illegal to possess will be treated as evidence or safekeeping but not as personal property.
2. Items larger than can fit in a 24" X 16" X 10" box (roughly the size of carry on luggage approved by the airlines) should be booked into property for safekeeping.

## Pharmaceuticals Take Back Program

### 805.1 PURPOSE AND SCOPE

Several agencies throughout the state of Washington have started "drug take back" programs to help educate the community about the dangers of medications, both controlled substances and non-controlled substances, to provide safe locations for our citizens to take medications that they no longer need, thereby removing potential abuse by others, as well as provide a system of destroying the household medications by way of incineration, which help keep these contaminants from entering our water system.

The Spokane County Sheriff's Office recognizes the importance of both providing education about the dangers of these medications, providing a safe avenue for disposal, and are working in partnership to prevent these contaminants from entering our water system.

The program described is to comply with U.S. 21 CFR 1307.21, allowing persons to dispose of legally possessed controlled substances.

### 805.2 TYPES OF DRUGS ACCEPTED AND LOCATIONS FOR DROP OFF

Pre-selected locations will be utilized as collection points for this program. Type of medication will determine the agency and collection location.

- (a) The Spokane Valley Police Department and pre-selected participating pharmacies will be collection points for the following types of drugs:
  - 1. Prescription medications and medication samples, which DO NOT contain narcotics.
  - 2. Medications for pets.
  - 3. Medicated ointments/lotions.
  - 4. Over the counter medications.
  - 5. Vitamins.
  - 6. Inhalers.
  - 7. EpiPen (Unopened only).
- (b) The Spokane Valley Police Department will be a collection point for the following types of drugs:
  - 1. Narcotics (Oxycodone, Vicodin, Codeine, etc) which are legally manufactured.
- (c) The following items WILL NOT BE ACCEPTED:
  - 1. Needles/syringes
  - 2. Thermometers
  - 3. IV Bags or bloody infectious waste
  - 4. Personal care products



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5. Hydrogen peroxide/other chemicals
6. Aerosol cans
7. EpiPens (used)
8. Glass /metals
9. Business waste
10. Any mercury products
11. Any Iodine products

Refer person to FDA's website " [www.fda.gov](http://www.fda.gov)" for proper disposal instructions for above items not accepted.

All illegal drugs possession will be handled via a criminal investigation as set forth in RCW 69.50 and also Spokane Valley Police Department Policies 344.2.1 and 804.3.2.

#### **805.3 SPOKANE VALLEY PRECINCT DRUG COLLECTION RECEPTACLE**

In regards to the Spokane Valley Police Department, the drug collection receptacle will be placed in an area under control of law enforcement staff and will be free from unsupervised access by the general public. Staff members shall control the access flow to the collection receptacle by citizens, by supervising the sorting of unacceptable items from the drugs by the citizen as well as watching the citizen place the drugs in the receptacle.

A specific locking drug collection receptacle will be utilized. The collection receptacle will be a large free standing device, similar to a mailbox,(which shall be permanently bolted to the floor), shall have (2) external locks, and a deposit slot for placing the medications inside. Plastic boxes designed to fit inside the receptacle will be placed inside to ease inventory and disposal portion of the process. Keys for the collection receptacle shall remain with the Precinct Commander and Administrative Sergeant.

Directions regarding the eligible and ineligible products that can go into the receptacle, deposit procedures, and a resource guide on what to do with ineligible items will be posted near or with the collection receptacle.

#### **805.4 TRAINING, EQUIPMENT, AND SUPPLIES**

All police staff members that will be involved in the program and having contact with citizens that are accessing these collection boxes will be provided training by the Spokane Valley Police Department. Training will cover the protocols and safety measures.

All collection boxes, plastic boxes to fit inside collection receptacles, self-sealing plastic bags, scale for weighing full collection cardboard box, written instructions, handouts and information guides will be provided by the Spokane Valley Police Department.

Collection receptacle keys will remain in the secure restricted access of the Spokane Valley Police Department.

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#### **805.5 PROGRAM PROCEDURES**

- (a) When a citizen walks into the police station where the "Pharmaceutical Take Back Program" collection receptacle is present, and presents the items they wish to place in the receptacle, the following events will take place:
  - 1. A duly authorized and certified law enforcement officer will supervise the collection. The Public Service Officer's office will have the self-sealing plastic bags and black marker available for the citizen's use.
  - 2. The officer will hand the citizen one of the self-sealing plastic bags and a black permanent marker to allow the citizen to mark over their name and any other sensitive information.
  - 3. The officer tells the citizen to place the entire bottle(s) into the bag and seal it. The officer also makes sure no "prohibited" items are placed in the self-sealing plastic bag.
  - 4. The officer then directs the citizen to carry their plastic bag to the collection receptacle and watches the citizen place the bag inside the receptacle.
  - 5. The officer should never have to touch any of the items brought in for disposal.
    - (f) No individual police report is required for the deposit.
- (b) If a citizen brings in more bottles than can fit into a plastic bag, the officer may provide as many plastic bags as needed to be able to close each plastic bag, prior to being placed into the collection receptacle.
- (c) If a citizen brings in a bottle which is too large for the collection receptacle, the officer may provide the citizen with a few plastic bags and instruct the citizen to take the bags home, where they may pour the medications from the bottle into the plastic bags, seal them and return them to the police department, where they can then be placed into the collection receptacle.
- (d) If the citizen is presenting items that are ineligible for disposal (mercury, iodine and other prohibited items), the officer will give the citizen one of the provided hand outs, which will instruct them on other resources for safe disposal.
- (e) If a citizen presents illicitly manufactured controlled substances (including, but not limited to: marijuana, heroin, cocaine, methamphetamine, MDMA, and LSD), the officer shall follow the standard procedures implemented under RCW 69.50, along with procedures implemented by his/ her agency for the collection and handling of illegal controlled substances.
- (f) Officers will be responsible for monitoring the collection receptacle and supplies at the Spokane Valley Police Department.
- (g) When the collection receptacle's plastic box is full (the capacity of the contents in the collection box can will be checked twice a month) it will be removed and replaced with a new one.
- (h) The box exchange process will require that two Precinct Commander/ Admin Sergeant are present when the collection receptacle is unlocked and plastic boxes are exchanged. The full plastic box removed from the collection receptacle will be emptied

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into a cardboard box and sealed with evidence tape. Both Precinct Commander I Admin Sergeant staff members will initial and date the evidence tape seal. The box will then be weighed and impounded into secured storage for destruction.

- (i) The sealed full box of medications will be destroyed under guidelines which comply with Spokane Valley Police Department policy and all applicable federal and state laws and regulations.

## Records

### 806.1 PURPOSE AND SCOPE

The Records Manager shall maintain the Office Records Division Procedures Manual on a current basis to reflect the procedures being followed within the Records Division. Policies and procedures that apply to all employees of this office are contained in this chapter.

#### 806.1.1 UNIFORM CRIME REPORTING

The Spokane County Sheriff's Office participates in the Uniform Crime Reporting Program (UCR) and/or the National Incident Based Reporting System (NIBRS). The Records Manager is responsible for ensuring that UCR/NIBRS reports are provided to the Washington Association of Sheriffs and Police Chiefs (WASPC) on a regular basis.

### 806.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Division accessible only to authorized Records Division personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Shift Commander.

Spokane County Sheriff's Office employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with office policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

#### 806.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Division. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Manager. All original reports removed from the Records Division shall be recorded on the Report Check-Out Log, which shall constitute the only authorized manner by which an original report may be removed from the Records Division.

#### 806.2.2 RECORDS CONCERNING JUVENILES

The Records Manager shall be responsible for the destruction of juvenile records in accordance with RCW 13.50.270, including the following circumstances:

- Upon receiving notification from the juvenile court that specific records should be destroyed.
- Upon receiving notification from the Office of the Governor that a specific juvenile has received a full and unconditional pardon, the Records Manager shall ensure that all records pertaining to that juvenile are destroyed within 30 days.

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#### **806.3 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)**

ACCESS is a computer-controlled communications system located at the WSP Information Technology Division. ACCESS provides service to all the state and national information systems. The Chief of the WSP is vested with the authority to administer all operating phases of ACCESS and the Washington Crime Information Center (WACIC). There are specific requirements for agencies accessing the information in the group of computer systems in ACCESS.

##### **806.3.1 ACCESS USE REQUIREMENTS**

No member of the Spokane County Sheriff's Office shall operate any of the ACCESS systems without first complying with the training requirements as listed in the ACCESS manual.

##### **806.3.2 ACCESS REQUIREMENTS**

As an authorized ACCESS user, the Spokane County Sheriff's Office complies with all of the following ACCESS requirements:

- Warrant entry
- Receiving information from outside agencies
- Recording information
- Verifying information
- Canceling information
- Providing 24-hour access to agency warrants

It is the responsibility of the Records Manager to ensure that all ACCESS computer and network security requirements are in place and operational.

#### **806.4 OFFICER SAFETY ADVISORIES**

A Violent Person File (VPF) database is maintained by the National Crime Information Center (NCIC) and is intended to provide protection to police, corrections, or other criminal justice officers. Individuals who represent a potential threat to deputies may be entered into the WACIC when they have previously exhibited assaultive or threatening behavior during contacts by law enforcement.

To qualify for entry, one or more of the following conditions must be met (WACIC Manual Chapter 29.01 II, A):

- (a) The offender has been convicted for assault or murder/homicide of a law enforcement officer, fleeing, resisting arrest or any such statute that involves violence against law enforcement.
- (b) The offender has been convicted of a violent offense against a person to include homicide and attempted homicide.
- (c) The offender has been convicted of a violent offense against a person where a firearm or weapon was used.

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- (d) A law enforcement agency, based on its official investigatory duties, reasonably believes that the individual has seriously expressed his/her intent to commit an act of unlawful violence against a member of the law enforcement or criminal justice community.

Deputies who encounter a person who they believe is a threat to officer safety should submit a report detailing the circumstances of the contact and nature of the threat for entry as an Officer Safety Advisory.

All Officer Safety Advisories are subject to approval by the Sheriff or his/her designee.

Once approved, the Records Division is responsible for making the appropriate entry into the WACIC.

Whenever an Officer Safety Advisory is initiated by the Spokane County Sheriff's Office, it is the responsibility of the Records Manager to ensure that a copy of the supporting documentation and the authorized statement signed by the Sheriff are maintained in a separate file. Supporting documentation may include the crime report, officer's supplemental report, mental health report or other similar documentation.

#### 806.4.1 INVOLVED PERSONNEL RESPONSIBILITY

If during the course of performing his/her duties, one or more of the entry qualification are met and the affected employee wishes to log the person of interest in the WACIC Officer Safety Advisory he/she will make the following notification and complete the appropriate paperwork.

- (a) Employee will notify his/her supervisor about his/her wish to include the person of interest in the WACIC Officer Safety Advisory file.
- (b) Complete a signed statement of circumstances (incident report or supplemental report) from the person(s) involved.
  - 1. The report can be submitted by an investigator assigned to the case if the threatened employee is a patrol deputy, corrections deputy or other employee. or a Mental Health report containing a statement of circumstances can be submitted.
- (c) Complete the Spokane County Sheriff's Office Assaultive Behavior Subject Officer Safety Advisory File form and forward it to his/her immediate supervisor.

#### 806.4.2 SUPERVISORS RESPONSIBILITY

A supervisor becoming aware of his/her employee's desire to enter a person of interest into the WACIC Officer Safety Advisory file will:

- (a) Review the incident report or other supporting documentation to see if the circumstances fall under the criteria to have the person of interest being entered into the Officer Safety Advisory file.
- (b) Notify the Shift Commander about the employee's wish to include the person of interest in the WACIC Officer Safety Advisory file and forward any documentation including

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the signed Spokane County Sheriff's Office Assaultive Behavior Subject Officer Safety Advisory File form.

#### 806.4.3 SHIFT COMMANDER RESPONSIBILITY

A shift commander becoming aware of his/her employee's desire to enter a person of interest into the WACIC Officer Safety Advisory file will review the supporting documentation. If the circumstances warrant the person of interest being entered into the file then the Sheriff or his/her designee will be contacted to forward the appropriate form to Records Division for data entry.

#### 806.4.4 SHERIFF OR HIS/HER DESIGNEE RESPONSIBILITY

The Sheriff or his/her designee has ultimate say whether a person of interest gets entered into the WACIC Officer Safety Advisory file. After reviewing the supporting documentation for entry and determining that a person of interest does need to be entered into the system the Sheriff or his/her designee will authorize/sign the Spokane County Sheriff's Office Assaultive Behavior Subject Officer Safety Advisory File form. This form is submitted to a records supervisor or the records manager to be entered into the system.

#### 806.4.5 RETENTION AND VALIDATION FOR PERSON OF INTEREST FILE

All records entered in the WACIC Officer Safety Advisory file will remain on file until the entering agency takes action to remove them. WACIC does an annual audit of person of interest Officer Safety Advisory files in January. Records not validated within 60 days will be purged by WACIC.

- (a) WACIC's point of contact for the Sheriff's Office is the Records Manager. The Records Manager notifies the Investigative Division Captain about pending file validations.
- (b) The Investigative Division Captain or his/her designee reviews active files and takes the appropriate steps to revalidate or cancel the Officer Safety Advisory.
  - 1. Submit revalidation form or collect and submit new documentation.

#### 806.5 COURT ORDERS

The Records Manager shall see that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the Records Manager shall see that the order is removed from the applicable system (RCW 9A.40.102; RCW 9A.40.104; RCW 9A.40.106).

# Restoration of Firearm Serial Numbers

## 808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

## 808.2 PROCEDURE

Any firearm coming into the possession of the Spokane County Sheriff's Office as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

### 808.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always treat the firearm as if it were loaded and keep the muzzle pointed in a safe direction. Unload and clear the firearm. Two firearm clearing barrels are located at the Property and Evidence Facility. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tabular magazine) as well as the chamber contents. Packaging requirements for firearms are detailed in the diagrams below. Strict adherence to the packaging policy is required. All firearms will have safety ties threaded through the barrel as shown and magazine port if applicable.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

See attachment: [Firearm Safety Tie.jpg](#)



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### **808.2.2 PROPERTY BOOKING PROCEDURE**

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the Evidence Report form that serial numbers have been removed or obliterated.

### **808.2.3 DEPUTY RESPONSIBILITY**

The property and evidence technician receiving a firearm when the serial numbers have been removed or obliterated shall update the Evidence Report form when the firearm is removed or returned for processing by the WSP Crime Lab.

### **808.2.4 DOCUMENTATION**

Case reports and the Evidence Report form are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

These reports must include a record of the manner in which and/or from whom the firearm was received.

### **808.2.5 FIREARM TRACE**

After the serial number has been restored (or partially restored) by the Crime lab, the property and evidence technician will enter the data in the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.

## **808.3 OTHER CONSIDERATIONS**

The WSP Crime Lab is responsible for submission of exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, and may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.

## Records Maintenance and Release

### 810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of office records. Protected information is separately covered in the Protected Information Policy.

### 810.2 POLICY

The Spokane County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the Washington Public Records Act (RCW 42.56.001 et seq.).

### 810.3 PUBLIC RECORDS OFFICER

The Sheriff shall designate a Public Records Officer (RCW 42.56.580). The responsibilities of the Public Records Officer include, but are not limited to:

- (a) Managing the records management system for the Office, including the retention, archiving, release and destruction of office public records.
- (b) Establishing rules regarding the inspection and copying of office public records as reasonably necessary for the protection of such records.
  - 1. Rules and procedures for public inspection and copying shall be prominently displayed and made available to the public for inspection and copying (RCW 42.56.040).
- (c) Maintaining and making available for public inspection and copying an index of documents that provides identifying information of certain documents identified in RCW 42.56.070 that are maintained by the Office.
- (d) Maintaining and updating the office records retention schedule including:
  - 1. Identifying the minimum length of time the Office must keep records.
  - 2. Identifying the office division responsible for the original record.
- (e) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (f) Ensuring a current list containing every law that exempts or prohibits disclosure of specific information or records of the Office is available to the public (RCW 42.56.070).
- (g) Establishing rules regarding the processing of subpoenas for the production of records.
- (h) Ensuring the availability of a current schedule of fees for public records as allowed by law (RCW 42.56.070; RCW 42.56.120; RCW 42.56.130).
- (i) Ensuring that the business hours for record inspection or copying are posted on the office's website and made known by other means designed to provide the public with notice (RCW 42.56.090).

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- (j) Ensuring that the name and contact information of the Public Records Officer is visible to the public, including the office website and appropriate office publications (RCW 42.56.580).

#### **810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any office member who receives a request for any record shall route the request to the Public Records Officer or the authorized designee.

##### **810.4.1 REQUESTS FOR RECORDS**

The processing of requests for any record is subject to the following:

- (a) The Office is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) Requests to inspect or copy records shall be responded to promptly. Within five business days of receiving the request, one of the following responses shall be made (RCW 42.56.520):
  - 1. Providing the record.
  - 2. Providing the internet address and link of the office website to the specific records requested.
    - (a) If the requester notifies the Office that access cannot be obtained through the internet, then copies of the record shall be provided or the requester may view the records on the office computer.
  - 3. Acknowledging the receipt of the request and providing a reasonable estimate of time the Office will require to respond to the request. Additional time may be required to respond based upon:
    - (a) The need to clarify the intent of the request.
    - (b) The need to locate and assemble the information requested.
    - (c) Notification to third persons or agencies affected by the request.
    - (d) Determination whether any of the information requested is exempt.
  - 4. Acknowledging the receipt of the request and asking the requester for clarification if the request is not clear and providing the requester a reasonable estimate of the time that will be needed to respond if the request is not clarified. If the requester does not respond, and the entire request

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is unclear, the Office need not respond. If only part of the request is unclear, the Office shall respond to those portions of the request that are clear.

#### 810.4.2 DENIALS

- (a) The denial shall be accompanied by a written statement that includes the specific exemption and a brief explanation of how the exemption applies to the withheld record (RCW 42.56.210).
- (b) Requests that are denied are subject to judicial review and the burden of proof is on the Office to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.550).

#### 810.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record or any office record, including traffic collision reports, are restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Personnel records that contain personal information to the extent that disclosure would violate privacy rights (RCW 42.56.230; RCW 42.56.250).
- (c) Specific intelligence and specific investigative records regarding the discipline of any profession where nondisclosure is essential for effective law enforcement or for the protection of any person's right to privacy (RCW 42.56.240).
- (d) Victim and witness information revealing the identity of persons who file complaints if disclosure would endanger the person's life, physical safety or property (RCW 42.56.240).
- (e) Child victim and witness identity information including name, address and photographs (RCW 7.69A.030).
- (f) Concealed pistol license applications or information on the applications unless release is to law enforcement or corrections agencies under RCW 9.41.070.
- (g) Information revealing the identity of child victims of sexual assault who are under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator (RCW 10.97.130; RCW 42.56.240).
- (h) Personal identifying information collected relating to local security alarm system programs and vacation crime watch programs (RCW 42.56.240).
- (i) Certain criminal history record information as restricted by the Criminal Records Privacy Act (RCW 10.97.040 et seq.).

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- (j) Traffic collision reports except for what is authorized by RCW 46.52.080 and RCW 46.52.083.
- (k) Preliminary drafts, notes, recommendations or intra-agency memorandums in which opinions are expressed or policies formulated or recommended (RCW 42.56.280).
- (l) Records that are relevant to a controversy (threatened, actual or completed litigation) to which the Office is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).
- (m) Security records including, but not limited to, records relating to preparing and responding to criminal terrorist acts; vulnerability assessments and emergency and escape plans of secured facilities; information regarding infrastructure and security of computer and telecommunications networks; system security and emergency preparedness plans; and as further defined in RCW 42.56.420.
- (n) Global positioning system data that indicates the location of a member's residence or of a public employee or volunteer (RCW 42.56.240; RCW 42.56.250).
- (o) Information contained in a local, regional or statewide gang database (RCW 42.56.240).
- (p) Body worn camera recordings that violate a person's right to privacy (RCW 42.56.240.)
- (q) Any other information that may be appropriately denied by Washington law.

#### **810.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Public Records Officer for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the Prosecuting Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

#### **810.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the office name and to whom the record was released.

Each audio/video recording released should include the office name and to whom the record was released.

#### **810.8 EXPUNGEMENT**

Expungement orders received by the Office shall be reviewed for appropriate action by the Public Records Officer. The Public Records Officer shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention

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or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

#### **810.9 SPOKANE COUNTY PUBLIC RECORDS**

The Spokane County Sheriff's Office follows the Spokane County Public Records Act Rules. Those rules can be found at [spokanecounty.org](http://spokanecounty.org).

#### **810.10 SECURITY BREACHES**

Members who become aware that any Spokane County Sheriff's Office system containing personal information may have been breached should notify the Public Records Officer as soon as practicable.

The Public Records Officer shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (RCW 42.56.590).

Notice shall be given as soon as reasonably practicable but may be delayed if notification will impede a criminal investigation.

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- (a) Social Security number
- (b) Driver license number or Washington identification card number
- (c) Full account number, credit or debit card number, or any required security code, access code or password that would permit access to an individual's financial account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Public Records Officer should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

#### **810.11 TRAINING**

The Public Records Officer shall complete a training program consistent with the Attorney General's model rules within 90 days of assuming responsibilities for public records and complete refresher training as required (RCW 42.56.152).

# Protected Information

## 812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Spokane County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the public records information covered in the Records Maintenance and Release Policy.

### 812.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Spokane County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

## 812.2 POLICY

Members of the Spokane County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

See attachment: [UseOfSecureInformationAttachment.pdf](#)

## 812.3 RESPONSIBILITIES

The Sheriff shall select a member of the Office to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Licensing (DOL) records and the Washington Crime Information Center (WACIC).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.

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- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

#### **812.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Spokane County Sheriff's Office policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

##### **812.4.1 PENALTIES FOR MISUSE OF RECORDS**

It is a misdemeanor to furnish, buy, receive or possess criminal history record information without authorization by Washington law (RCW 10.97.120).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Standards of Conduct Policy.

Employees who obtain, or attempt to obtain, information from the office files other than that to which they are entitled in accordance with their official duties is a violation of the Standards of Conduct Policy.

#### **812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know (RCW 10.97.050).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other office members or the public is at risk.



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Nothing in this policy is intended to prohibit broadcasting warrant information.

#### **812.5.1 REVIEW OF CRIMINAL OFFENDER RECORD**

An individual may review his/her criminal history record information held by this office after complying with established office requirements as authorized by RCW 10.97.080.

#### **812.6 SECURITY OF PROTECTED INFORMATION**

The Sheriff will select a member of the Office to oversee the security of protected information.

The responsibilities of this position include but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities (RCW 19.255.010).

#### **812.6.1 MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

#### **812.7 CRIMINAL HISTORY USE AND DISSEMINATION**

- (a) The Attention (ATN) Field must contain the following:
  - 1. First initial and last name or unique identifier of the person requesting the information.
    - (a) A unique identifier of the requestor might be a personnel number that does not change throughout their career.
  - 2. Specific criminal justice reason.
    - (a) The reason can be a case number.
    - (b) Generic reasons such as investigation, employment, risk, ID verify are considered too generic and a compliance issue. SCSO employees must use the approved Spokane County Sheriff's Office abbreviation list:

- 911 - 911 ABUSE

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- AHO - ANI HARRASS VALI
- ANAB - ANIMAL ABUSE
- AOFF -ALCOHOL OFFENSE
- ARSN - ARSON
- ASLT - ASSAULT
- ASPO - ASSAULT POLICE
- BBRY - BRIBERY
- BIGA - BIGAMY
- BLIC - BUSIN/LIC VIOL
- BOMB - BOMB THREAT/ATTK
- BOOK - JAIL BOOKING
- BOSV - BOATING VIOLATION
- BURG - BURGLARY
- CINT- CUSTODIAL INTERF
- CJA-CRIMINAL JUSTICE APPLICANT
- CMIS - CRIMINAL MISCHIEF
- CNSP - CRIMINAL NONSUPPORT
- CNTCT WRKR- CONTRACT WORKER
- COMM - COMMUNICATIONS OFF
- CPO - CONCL PISTOL LIC
- CVRV - CIVIL RIGHTS VIOL
- DCON - DISORDERLY CONDUCT
- DOA - NON-HOMICIDE
- DOMV - DOMESTICE VIOL
- DRUG –DRUG/CTR SUB
- DUI - DUI
- EMBZ - EMBEZZLEMENT
- EVID - EVIDENCE REL
- EXPL - EXPLOSIVES
- FAFM - FAMILY FIGHT
- FFL - FEDERAL FIREARM LIC

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- FIPO - FALSE INFO REP
- FORG - FORGERY
- FRAU – FRAUD
- FSH- FISH & GAME
- GAMB – GAMBLING
- GUN-GUN RIGHTS
- HARR - HARRASSMENT
- HOMI – HOMICIDE
- IMPO - IMPERS OFFICER
- INTL-INTELL
- JRUN - JUV RUNAWAY
- KIDN – KIDNAPPING
- MPER - MISSING PERSON
- MTAM - MAIL THEFT/TAMP
- NCO - NO CONTACT VIOL
- NOIS - NOISE ORDIN VI
- PNUI – PUBLIINUIS
- PORN-PORNOGRAPHY
- PROB-PROB/PAROLE
- PROS-PROSTITUTION
- RAP - ATTEMPTED RAPE
- RAPE – RAPE
- REBACKGRD-REBACKGROUND
- REND - RECKLESS ENDAG
- RIDE-RIDEALONG
- RIPO - RESIST/INTERF
- ROBB - ROBBERY
- RSO - REGISTERED SEX OFFENDER
- SEXCRIME- SEX CRIME
- SLDS-SEAL AND DESTROY
- STRP - STOLEN PROPERTY

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- THEFT – THEFT
- THRE-THREATENING
- TOBP-TOBACCO PROB
- TOFF-TRAFFIC OFFENSE
- TPOT-THEOFT OF PROB
- TRLO - TELEPHONE HARASS
- UBUR-UNLAWFUL BURN
- VAC-VACATE
- VEND-VENDOR
- VICE-VICE PROB, GEN
- VICO-VIOLATION OF COURT ORDER
- VSVL-VISITOR/ VOLUNTEER
- WOFF-WEAPONS

#### **812.8 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

#### **812.9 RELIGIOUS AFFILIATION DISCLOSURE**

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any government program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (RCW 42.60.020).

# Computers and Digital Evidence

## 814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

## 814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
  - 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  - 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, disc's, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Log all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, deputies should document the following in related reports:
  - 1. Where the computer was located and whether or not it was in operation.
  - 2. Who was using it at the time.

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3. Who claimed ownership.
  4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself along with any related power cords or cables and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media.
  - (j) Hard drives can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields (i.e. police radio hardware).

#### **814.2.1 BUSINESS OR NETWORKED COMPUTERS**

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Deputies should contact the Forensic Unit for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

#### **814.2.2 FORENSIC EXAMINATION OF COMPUTERS**

If an examination of the contents of the computer's hard drive, or floppy disks, CD's/DVDs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) A completed Digital Forensic Examination Request Form.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant and search warrant affidavit authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

#### **814.3 SEIZING DIGITAL STORAGE MEDIA**

Digital storage media (e.g., hard disks, floppy disks, CDs, DVDs, tapes, memory cards, flash memory devices) should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation contact the case manager or your supervisor for further instruction.

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- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.
- (f) When battery powered digital devices (e.g. digital cameras) are involved in criminal acts and are in the possession of the suspect, the electrical cords or charging cords should be seized with the digital device.

#### **814.4 SEIZING PCDS**

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Deputies should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on if it is OFF, and remove the battery if possible (Apple iPhones you cannot).
- (c) If the phone is ON, turn Airplane Mode or Stand-Alone Mode ON then power it off and remove the battery if possible.
- (d) If the phone is ON but has a pass-code or pattern lock, turn the phone off and remove the battery. If at all possible get the pass-code or pattern lock from the owner.
- (e) If unsure, power off the phone and remove the battery.
- (f) When seizing the devices, also seize the charging units, if available.
- (g) Record your actions in your report.

#### **814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS**

Deputies handling and submitting digital evidence from department issued digital cameras, cell phones, audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

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#### 814.5.1 COLLECTION OF DEPUTY/OFFICER DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way. All photographs or recordings taken will be preserved regardless of quality, composition or relevance.

#### 814.5.2 SUBMISSION OF DEPUTY/OFFICER RECORDED DIGITAL MEDIA

The following are required procedures for the submission of digital media generated by cameras, cell phones or other recorders:

- (a) When the photographs or recording for the incident are finished, complete the incident photo log.
- (b) Media recorded on cell phones with the CaseGuard mobile application will automatically upload to the case file.
  - 1. If media is taken with a cell phone outside of the CaseGuard mobile app, the cell phone itself must be submitted to the Forensic Unit so the media can be uploaded and removed from the phone.
- (c) Media recorded with a camera or other device will be uploaded to CaseGuard manually by the recording deputy no later than by the end of that shift.
  - 1. If recording media (SD card, smart card or other) cannot be uploaded by the deputy due to technical difficulties or unexpected errors, media may be submitted to the Forensic Unit for transfer. Media being sent to the Forensic Unit shall be placed in a sealed envelope labeled with the report number, incident date and name of the photographer.
  - 2. Once it is verified that all images or files have been successfully uploaded to the CaseGuard cloud, agency recording media will be erased for re-use.
- (d) Data stored in CaseGuard is housed on an Amazon DOJ cloud server and will be considered the original evidence.
- (e) Deputies are not authorized to make hardcopies of recording media. Forensic Unit employees are the only ones authorized to copy and/or distribute hardcopy digital media.
- (f) Deputies requiring access to restricted digital files must request access through the assigned case investigator.

#### 814.5.3 PRESERVATION, VIEWING, PRINTING AND COPYING OF DIGITAL EVIDENCE

- (a) Viewing, printing or copying of data stored on the server and accessible through CaseGuard is permissible by authorized personnel only.
- (b) Only Forensic Unit Employees are authorized to copy original digital media that is booked onto property. This digital media shall remain on property as evidence and shall remain unaltered.



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- (c) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (d) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

#### **814.5.4 RELEASING AUDIO AND VIDEO RECORDINGS**

Releasing of audio and video recording shall be in accordance with the Sheriff's Office policy and Records Release and Security. No audio recording in the possession of the Sheriff's Office shall be duplicated and released to the public unless;

- (a) There has been a final disposition of any criminal or civil litigation arising from the event that was recorded; and
- (b) All parties to the audio recording have consented to the release in writing.

No video recording in the possession of the Sheriff's Office shall be duplicated and released to the public unless;

- (a) There has been a final disposition of any criminal or civil litigation arising from the event that was recorded; or
- (b) There is nothing contained in the video that readily identifies the individual or individuals that are the subject of the video and the video contains no information that would interfere with any court proceeding related to the event that is the subject of the video.

#### **814.6 DIGITAL EVIDENCE NOT RECORDED BY DEPUTIES**

Examples include, but are not limited to:

- (a) Digital video/audio recording obtained from residential or business video surveillance or security systems.
- (b) Any photograph, video or audio recording taken by a victim, witness or person who is not an authorized member of the Spokane County Sheriff's Office.
- (c) Any digital evidence sent electronically (i.e., email, cell phone messaging) to any member of the Sheriff's Office.

##### **814.6.1 EVIDENCE NOT RECORDED BY DEPUTIES**

- (a) Digital media received from outside sources must be downloaded to storage media (CD/DVD, flash drive or other media) for collection.

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- (b) Deputies shall ensure that all storage media used to store/transfer/collect digital evidence is “clean” - should not contain data from other cases, personal files, etc.
- (c) Deputies are not authorized to make additional hardcopies of recordings or digital evidence. Members of the Forensic Unit are the only employees authorized to copy this data.
- (d) Files will be uploaded from the storage media to CaseGuard by the collecting deputy.
  - 1. Once it is verified that all images or files have been successfully uploaded to the CaseGuard cloud, storage media shall be erased for re-use.
- (e) If storage media (SD card, smart card or other) cannot be uploaded by the deputy due to technical difficulties or unexpected errors, media may be submitted to the Forensic Unit for transfer.

# Jeanne Clery Campus Security Act

## 822.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this office fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

## 822.2 POLICY

The Spokane County Sheriff's Office encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Spokane County Sheriff's Office facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Spokane County Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Spokane County Sheriff's Office and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

## 822.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Sheriff will:

- (a) Ensure that the Spokane County Sheriff's Office establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i)(iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
  - 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)),
  - 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
  - 3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
  - 4. Notify the Spokane County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

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5. Notify the Spokane County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
- (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

#### **822.4 RECORDS COLLECTION AND RETENTION**

The Records Manager is responsible for maintaining Spokane County Sheriff's Office statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this office or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
  1. Murder
  2. Sex offenses, forcible or non-forcible
  3. Robbery
  4. Aggravated assault
  5. Burglary
  6. Motor vehicle theft

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7. Manslaughter
  8. Arson
  9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
  10. Dating violence, domestic violence and stalking
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
- (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
1. On campus.
  2. In or on a non-campus building or property.
  3. On public property.
  4. In dormitories or other on-campus, residential or student facilities.
- (d) Statistics will be included by the calendar year in which the crime was reported to the Spokane County Sheriff's Office (34 CFR 668.46(c)(3)).
- (e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

#### 822.4.1 CRIME LOG

The Records Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Spokane County Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.

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- (b) All log entries shall be made within two business days of the initial report being made to the Office.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the sheriff's office or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
  - 1. Disclosure of the information is prohibited by law.
  - 2. Disclosure would jeopardize the confidentiality of the victim.
  - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

### **822.5 INFORMATION DISSEMINATION**

It is the responsibility of the Administration Division Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with the institution's procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e) and (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:
  - 1. Crime statistics and the policies for preparing the crime statistics.
  - 2. Crime and emergency reporting procedures, including the responses to such reports.
  - 3. Policies concerning security of and access to campus facilities.
  - 4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including:
    - (a) Procedures victims should follow.
    - (b) Procedures for protecting the confidentiality of victims and other necessary parties.

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5. Enforcement policies related to alcohol and illegal drugs.
6. Locations where the campus community can obtain information about registered sex offenders.
7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

## **Chapter 9 - Custody**



# Custodial Searches

## 902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Spokane County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of office members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

## 902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

## 902.3 FIELD AND TRANSPORTATION SEARCHES

A deputy shall conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any office vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

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#### **902.4 SEARCHES AT SHERIFF'S FACILITIES**

Custody searches shall be conducted on all individuals in custody, upon entry to the Spokane County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

##### **902.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this office, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another office member. The inventory should include the case number, date, time, member's Spokane County Sheriff's Office identification number and information regarding how and when the property may be released.

#### **902.5 STRIP SEARCHES**

No individual in temporary custody at any Spokane County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband that constitutes a threat to the facility. Probable cause is required for a strip search when there is a belief the individual is concealing on his/her body evidence not constituting a threat to the facility (RCW 10.79.130).

Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to (RCW 10.79.140):

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

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- (c) Custody history (e.g., past possession of contraband while in custody, assaults on office members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).
- (f) The nature of the offense.

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

#### 902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Spokane County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Shift Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner (RCW 10.79.100).
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include (RCW 10.79.150):
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The written authorization for the search, obtained from the Shift Commander.
  - 4. The name of the individual who was searched.
  - 5. The name, serial number of the deputy and sex of the members who conducted the search.

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6. The name, sex and role of any person present during the search.
  7. The time and date of the search.
  8. The place at which the search was conducted.
  9. A list of the items, if any, that were recovered.
  10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
  11. Any health condition discovered.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) Except at the request of the individual, no person, other than those who are participating in the search, shall be present or able to observe the search (RCW 10.79.150).
- (i) A copy of the written authorization shall be maintained in the file of the individual who was searched (RCW 10.79.150).

#### **902.5.2 RESTRICTIONS**

Strip searches should be limited to those situations where such searches are necessary. Reasonable efforts to use less intrusive methods, such as pat-downs, electronic metal detector or clothing searches shall be made prior to any strip search (RCW 10.79.060; RCW 10.79.140).

#### **902.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Commander and only upon a search warrant. If authorization from the Shift Commander is received electronically, it shall be printed and signed by the Shift Commander as soon as possible (RCW 10.79.080). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a qualified physician, registered nurse or physician's assistant may conduct a physical body cavity search (RCW 10.79.100).

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- (c) Except for the qualified physician, registered nurse or physician's assistant conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary office members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including (RCW 10.79.080):
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The Shift Commander's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date, location and description of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any office members present.
  - 8. A statement of the results of the search and a list of any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.
- (g) Before any physical body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search and a thorough clothing search, as appropriate, must be used. No physical body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security or evidentiary concerns of the office (RCW 10.79.080).
- (h) The Shift Commander may allow the individual to have a readily available witness, of the individual's choosing, present at the time the search is conducted. The person chosen shall not be currently in custody or present an unreasonable security risk (RCW 10.79.100).

### **902.7 TRAINING**

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.

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- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. The search must be conducted by a physician, registered nurse, or physician's assistant.

## **Chapter 10 - Personnel**

# Recruitment and Selection

## 1000.1 PURPOSE AND SCOPE

The employment policy of the Spokane Sheriff's Office shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Spokane County Civil Service.

## 1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience. They shall also meet any qualification set forth by the Spokane County Civil Service Commission. They shall also meet those standards set by state law.

### 1000.2.1 APPLICANT TESTING REQUIREMENTS

Prior to appointment, all candidates for sworn positions will, at a minimum, be screened through the following methods:

- (a) A background investigation, proof of which will subsequently be submitted to the Washington State Criminal Justice Training Commission (RCW 43.101.095(2)(a))
- (b) A medical examination, including a drug screening, performed by a licensed physician
- (c) A psychological fitness examination conducted by a qualified professional (e.g., a licensed psychologist or psychiatrist); the qualified professional, examination and subsequent report shall meet the standards as established in WAC 139-07-030.
- (d) A polygraph examination administered by an experienced polygraph examiner who meets the standards in WAC 139-07-040.

### 1000.2.2 SECURITY OF APPLICANT FILES

All applicant files will be secured and available only to those who are authorized to participate in the selection process.

## 1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Spokane County Civil Service maintains standards for all positions. The dilemma facing the Department is one of developing a job-valid and non-discriminatory set



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of policies which will allow it to lawfully exclude persons who do not meet the Spokane County or State of Washington hiring standards.

The following standards have been adopted for public safety applicants:

#### 1000.3.1 OPERATION OF A MOTOR VEHICLE

- (a) The ability to possess a valid Washington driver's license.
- (b) The ability to drive safely.
- (c) The ability to control a motor vehicle at high speeds.
- (d) The ability to operate a motor vehicle in all types of weather conditions.
- (e) The following shall be disqualifying:
  - 1. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or two convictions for driving under the influence of alcohol and/ or drugs within 10 years of application.
  - 2. Diversion, sentence reduction, plea or other similar action shall be the same as a conviction.
- (f) The following may be disqualifying:
  - 1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) from separate incidents, within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
  - 2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

#### 1000.3.2 INTEGRITY

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.
- (c) Not divulging confidential information.
- (d) Showing strong moral character and integrity in dealing with the public.
- (e) Being honest in dealing with the public and fellow employees.
- (f) The following shall be disqualifying:

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1. Any material misstatement of fact or significant omission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview or polygraph examination or discrepancies between this background investigation and other investigations conducted by this agency, or other law enforcement agencies. Such material misstatements or significant omissions and/or discrepancies must be determined to be intentional on the part of the applicant to be disqualifying.
  2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating or personal dishonesty.
  3. Having been dishonorably discharged from the armed services.
- (g) The following may be disqualifying:
1. Financial affairs or personal life shows a history of poor judgment and refusal to confront problems.

#### 1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
- (b) The following shall be disqualifying:
1. Conviction of any crime of Moral Turpitude as an adult. Crimes of Moral Turpitude typically include, but are not limited to : Fraud, Theft, or crimes against persons or things.
  2. Admission(s) of administrative conviction or any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.
  3. Been convicted of a domestic violence related crime which precludes them from possessing a firearm.
  4. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.
  5. Conviction of any felony as classified under Washington state law.
  6. Conviction of any crime involving false swearing.
- (c) The following may be disqualifying:

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1. Conviction of any criminal offense classified as a misdemeanor under Washington law within three years prior to application.
2. Conviction of any offense classified as a misdemeanor under Washington law while employed as a peace officer (including military police officers).
3. Any history of actions resulting in civil lawsuits against the applicant or his/her employer.
4. Admission of any act of domestic violence as defined by law.
5. Admission of a chargeable felony offense within the last two years.
6. Stolen any merchandise or money larger than small change within the last 5 years, excluding when under the age of 18.

#### 1000.3.4 DEPENDABILITY

- (a) A record of submitting reports on time and not malingering on calls, etc.
- (b) A record of being motivated to perform well.
- (c) A record of dependability and follow through on assignments.
- (d) A history of taking the extra effort required for complete accuracy in all details of work.
- (e) A willingness to work the hours needed to complete a job.
- (f) The following shall be disqualifying:
  1. Missing any scheduled appointment during the process without prior permission.
  2. Documented discipline by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations within the past 5 years.
  3. Having any outstanding warrant of arrest at time of application.
  4. Been fired, or resigned in lieu of termination, from two or more jobs in the last five years.
  5. Missed more than two days of work due to drinking in the last three years.
  6. Drank alcoholic beverages on the job without authorization in the last three years.
- (g) The following may be disqualifying:
  1. Having been involuntarily dismissed (for any reason other than lay-off) by an employer as an adult (18 years of age).
  2. Having displayed a pattern of multiple positions with different employers over a limited period of time.

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3. Resigning from any paid position without notice.
4. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability.

#### 1000.3.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information.
- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned.
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer.
- (e) The following shall be disqualifying:
  1. Having been dismissed for academic or disciplinary reasons from any CJTC certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another CJTC basic law enforcement academy shall rescind this requirement.
- (f) The following may be disqualifying:
  1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.

#### 1000.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows respect for others.
- (b) Empathy.
- (c) Discretion, not enforcing the law blindly.
- (d) Fairness in dealing with fellow employees and citizens from varied racial, ethnic, sexual orientation and economic backgrounds both individually and in groups.
- (e) Effectiveness in dealing with people without arousing antagonism.
- (f) The following shall be disqualifying:
  1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination.
  2. Having a pattern of uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.

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(g) The following may be disqualifying:

1. Having been disciplined by any employer as an adult for fighting in the workplace.

#### 1000.3.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations.
- (b) The ability to make sound decisions on the spot.
- (c) The ability to use good judgment in dealing with potentially explosive situations.
- (d) The ability to make effective, logical decisions under pressure.
- (e) The following shall be disqualifying:
  1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws.
  2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

#### 1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

- (a) The following examples of illegal drug use or possession will be considered and may disqualify public safety applicants:
  1. Any illegal adult use or possession of marijuana within one year prior to application for employment.
  2. Any other illegal adult use or possession of a drug within seven (7) years prior to application for employment.
  3. Prescription drugs: Having displayed a pattern of illegal use or misuse of prescription medication with the three (3) years prior to appointment.
  4. Any illegal adult use or possession of a non-prescription drug while employed in any law enforcement capacity or military police..
  5. Any adult manufacture, sales, cultivation or transportation of illegal drugs or illegal prescription medications.
  6. Failure to divulge any information about personal illegal use or possession of drugs.
  7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected.
- (b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:

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1. Any illegal use or possession of a drug as a juvenile.
2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifies specified above.
3. Any illegal or unauthorized use of prescription medications.

#### 1000.3.9 ADDITIONAL DISQUALIFIERS

- (a) Additionally, an Applicant may be considered unacceptable if the Applicant is unable to demonstrate high standards in the following bona fide occupational requirements:
  1. Judgment, verbal communication skills, tact, understanding and sensitivity, honesty, integrity, impartiality, confidence and emotional stability.

## Retirement and Resignation

### 1001.1 PURPOSE AND SCOPE

Guidelines for submitting letters of notification of retirement or resignation

### 1001.2 RETIREMENT

Notification of retirement of any employee of the Sheriff's Office will be submitted in writing to the Sheriff, at least thirty (30) days before leaving service. Terms of the retirement must comply with the applicable provisions of L.E.O.F.F., PERS, and other agreements.

### 1001.3 RESIGNATION

If an individual is resigning he/she will submit a letter stating the reason for the resignation to his/her division commander, not later than fifteen (15) days before leaving service. This letter will then be given to the Sheriff for his/her acceptance, and will be included in the individual's personnel file, along with his/her property form, sick leave/vacation record, identification card, and commission form.

Any employee of the Sheriff's Office who voluntarily leaves the Sheriff's Office without submitting a formal resignation letter as required will be deemed to have resigned with prejudice. A suitable notation will be made in the person's personnel record.

### 1001.4 CONDITIONS TO BE MET WHEN RETIRING OR RESIGNING

When an employee leaves the Sheriff's Office by retirement, resignation, or dismissal, the following conditions will be addressed.

- (a) The Inventory Custodian will be contacted and the individual's personal inventory form will be reviewed. All items issued to the individual will be returned.
- (b) An immediate accounting will be made of the person's accrued sick leave and vacation time, up to the exact day of separation (include the last day worked, and number of days worked in the pay period). This will be accomplished through the division's daily attendance logs. This information will be given to the administrative assistant in charge of payroll as soon as it is completed.
- (c) If a commissioned deputy leaves the Sheriff's Office for any reason (e.g., lateral to another agency, termination, resignation, or retirement) the personnel section of the Training Unit will send notification to the Washington State Criminal Justice Training Commission. (See RCW 43.101.135) The form used to make this notification can be found on the Training Commission's web site.

# Evaluation of Employees

## 1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

## 1002.2 POLICY

The Spokane County Sheriff's Office utilizes a performance evaluation report to document performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

## 1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

### 1002.3.1 RESERVE DEPUTY EVALUATIONS

Reserve deputy evaluations are covered under the Reserve Deputies Policy.



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### *Evaluation of Employees*

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#### **1002.4 FULL TIME PROBATIONARY PERSONNEL**

Sworn and civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed quarterly for all full-time civilian and sworn personnel during the probationary period.

#### **1002.5 FULL-TIME PERMANENT STATUS PERSONNEL**

Permanent employees are subject to three types of performance evaluations:

**Regular** - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor and may provide input from the previous supervisor.

**Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

Evaluations will be filed within three months of the evaluation date.

#### **1002.6 EVALUATION INTERVIEW**

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

#### **1002.7 EVALUATION REVIEW**

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

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### *Evaluation of Employees*

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#### **1002.8 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Sheriff for the tenure of the employee's employment. A copy will be given to the employee.

#### **1002.9 REMEDIAL TRAINING**

When an employee fails to perform a job function at the level prescribed in this policy manual, remedial training may be necessary to ensure that employee has the knowledge and skills necessary to perform at an acceptable level.

Whenever an employee receives an evaluation rating that documents a performance deficiency or is receiving discipline for a performance deficiency, the supervisor should consider whether remedial training would be appropriate to assist the employee in improving their performance.

- (a) If remedial training is deemed to be appropriate, the supervisor shall document the following items in a Personnel Improvement Plan (PIP):
  - 1. The remedial training being provided.
  - 2. The timeline for providing the training.
  - 3. The timeline for evaluating the employee's subsequent performance.
  - 4. The consequences if the employee fails to perform.
  - 5. The desired outcome if the remediation is successful.
- (b) Prior to implementing the remedial training, the supervisor shall present the PIP to the employee who shall then be provided with ten days to respond with any objections or other comments.
- (c) If the employee fails to provide a timely written response or expresses no desire to respond, the employee's date and signature shall be affixed to the PIP as agreement to its terms.
- (d) If the employee provides a timely written response, any objections shall be adjudicated in accordance with the department's grievance procedure.

The remedial training process is for use with all employees. It is not limited to use with probationary employees.

# Promotional, Specialized Assignment and Transfer Policy

## 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for transfer and promotion within the ranks of the Spokane County Sheriff's Office.

### 1004.1.1 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition which aids in their performance.
- (c) Demonstrate the following traits:
  - 1. Emotional stability and maturity
  - 2. Stress Tolerance
  - 3. Sound judgement and decision making
  - 4. Personal integrity and ethical conduct
  - 5. Leadership
  - 6. Initiative
  - 7. Adaptability and flexibility
  - 8. Ability to conform to organizational goals and objectives in a positive manner
  - 9. Reliability
  - 10. Any other traits that are specifically required by the position

### 1004.1.2 DESIRABLE/REQUIRED QUALIFICATIONS

The following qualifications will be considered in evaluating employees for selection to a specialized assignment or for transfer within a division:

- (a) Applicable experience.
- (b) Completed probation.
- (c) Has shown an expressed interest in the position
- (d) Education, training and demonstrated abilities in related areas
- (e) Complete any training required by CJTC or law

## 1004.2 SPECIALIZED ASSIGNMENTS

The following positions are considered specialized assignments:

- (a) Special Enforcement Team member- SWAT, EDU, ITF, SRSSTF, DEA TF

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### *Promotional, Specialized Assignment and Transfer Policy*

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- (b) Traffic Unit
- (c) Field Training Officer
- (d) Community Relations
- (e) School Resource Deputy
- (f) Courthouse Security Deputy
- (g) Civil Unit
- (h) Training Unit
- (i) Domestic Violence Unit
- (j) Small Contract Cities
- (k) Intelligence Lead Policing Corporals
- (l) Instructor (EVOC, DT, Firearms, etc.)
- (m) Front Desk
- (n) Dive Team
- (o) Air Unit
- (p) Armorer
- (q) K9 Handler
- (r) SVIU
- (s) JTTF
- (t) CIU

#### **1004.3 SELECTION PROCESS FOR TRANSFER WITHIN DIVISIONS OR FOR SELECTION TO A SPECIALIZED ASSIGNMENT**

When a specialized assignment becomes available the unit commander or designee will post the details of the position via email to all Sheriff's Office personnel eligible for the position. The posting will include the position details, requirements, desired traits, and application closing date.

An employee seeking transfer or assignment to a specialized position will request that their immediate supervisor complete a Supervisor Endorsement/Request for Transfer Form (available on the network at: \\spokanecounty.org\countysheriff\Data\Forms\Supervisor). The supervisor will complete their portion of the form and forward to the employee's current commanding lieutenant.

The commanding lieutenant will add applicable comments to the Supervisor Endorsement/Request for Transfer Form. In addition, the commanding lieutenant will be responsible for compiling a packet that contains the following information:

- (a) Applicable IA Pro entries

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- (b) Commendations from personnel file
- (c) Attendance characteristics
- (d) Recent evaluations
- (e) Written comments from current unit members (optional)

The division commander will review the Supervisor Endorsement/Request for Transfer Form and the packet compiled by the lieutenant and will add applicable comments.

The unit supervisor, unit commander, and/or division commander will develop a list of interview questions. All qualified applicants shall be interviewed and their performance ranked based solely on their performance during the interview.

The unit supervisor and/or unit commander will present to command staff a selection recommendation based on the totality of information revealed throughout the process that supports the applicant's compatibility with the position. The Sheriff (or his designee) will make the final selection based on the information, or may request further information.

This policy may be waived by the Sheriff for temporary assignments, emergency situations or for training.

#### 1004.3.1 ROTATION - LENGTH OF TIME IN SPECIALTY UNITS

In order to provide the opportunity for variety within job classifications and to afford the prospect for individuals to receive diversified training and experience, most specialized assignment positions will be subject to mandatory rotation. The recommended lengths of assignments in the specialized assignments are as follows:

- (a) Civil Unit - Five (5) years
- (b) Crime Prevention - Five (5) years
- (c) School Resource Deputy - Five (5) years
- (d) Dem/Marine - Five (5) years
- (e) Traffic - Five (5) years
- (f) Training Office - Five (5) years
- (g) Public Safety Building Campus Security - Five (5) years
- (h) DEA deputy Five (5) years
- (i) SRSSTF deputy Five (5) years
- (j) ITF/SVIU deputy One (1) year

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### **1004.3.2 UNITS EXEMPT FROM ROTATION**

Because of the highly specialized training required, the following units are exempt from mandatory rotation:

- (a) Canine handlers
- (b) EDU
- (c) Hostage Negotiation
- (d) SWAT
- (e) Firearms Instructor/Armorer
- (f) Field Training Officer
- (g) Air Support
- (h) Dive Team

### **1004.4 PROMOTIONAL SPECIFICATIONS**

Specifications for promotional opportunities are on file with the Spokane County Civil Service.

### **1004.5 SHERIFF RETAINS THE RIGHT TO MAKE ASSIGNMENTS**

The selection, continued assignment or the removal of employees to or from assignments is at the sole discretion of the Sheriff.

# Grievance Procedure

## 1006.1 PURPOSE AND SCOPE

It is the policy of this office that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Office's philosophy is to promote a free verbal communication between employees and supervisors.

### 1006.1.1 GRIEVANCE DEFINED

**Grievance** - Is any dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding).
- This Policy Manual.
- County rules and regulations covering personnel practices or working conditions.

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in the Discriminatory Harassment Policy; and personnel complaints related to consist of any allegation of misconduct or improper job performance against any office employee that, if true, would constitute a violation of office policy, federal, state or local law set forth in the Personnel Complaints Policy.

## 1006.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he/she has a grievance as defined above, then that employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected division or bureau.
- (c) If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Sheriff.
- (d) If the employee and the Sheriff are unable to arrive at a mutual solution, then the employee shall proceed as follows:

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1. Submit in writing a written statement of the grievance and deliver one copy to the Sheriff and another copy to the immediate supervisor and include the following information:
  - (a) The basis for the grievance (i.e., what are the facts of the case).
  - (b) Allegation of the specific wrongful act and the harm done.
  - (c) Identification of the specific policies, rules or regulations or allegedly violated.
  - (d) What remedy you are seeking or goal you would like to accomplish from this grievance.
- (e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
- (f) The Sheriff will receive the grievance in writing. The Sheriff and the will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the Chief Operations Officer is considered final.

### 1006.2.1 RECOGNIZED UNIONS AND ASSOCIATIONS BARGAINING

- Spokane County Deputy Sheriffs Association
- Local 492-RFC, AFLCIO Radio and Forensics
- Local 492-SP, AFLCIO, Sheriff Support Personnel Union
- Lieutenants and Captains Association
- 1553 -S - AFLCIO County Supervisors

### 1006.2.2 REPRESENTED EMPLOYEE SEXUAL HARASSMENT OR DISCRIMINATION GRIEVANCE

Represented employees who have a sexual harassment or discrimination grievance created by a work situation shall have the right to submit such grievance to the Spokane County Civil Service Commission, or their collective bargaining unit, or Spokane County Human Resources for adjudication.

### 1006.2.3 NON-REPRESENTED EMPLOYEES GRIEVANCE PROCEDURE

Non-represented employees who have grievances created by work situations shall have the right to submit their grievance for orderly adjudication to the Spokane County Civil Service Commission. (Rule XX)



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### **1006.2.4 NON-REPRESENTED EMPLOYEE SEXUAL HARASSMENT OR DISCRIMINATION GRIEVANCE**

Non-represented employees who have a sexual harassment or discrimination grievance created by a work situation shall have the right to submit the grievance to the Spokane County Civil Service Commission or Spokane County Human Resources for resolution.

### **1006.2.5 CONTENTS OF GRIEVANCE**

Employees will consult with their collective bargaining unit agreement, Spokane County Human Resources, or Spokane County Civil Service Rules. In general, grievance progressing past the immediate supervisor will be reduced to writing in detail and will include:

- (a) Statement of the grievance and the information upon which it is based.
- (b) Specification of the alleged wrongful act and resultant harm.
- (c) A description of the remedy, adjustment, or other corrective action sought.

### **1006.3 EMPLOYEE REPRESENTATION**

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

### **1006.4 GRIEVANCE RECORDS**

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances.

### **1006.5 GRIEVANCE AUDITS**

The Training Sergeant shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Sergeant shall record these findings in a confidential and generic memorandum to the Sheriff without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training Sergeant should promptly notify the Sheriff.

# Anti-Retaliation

## 1008.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement or memorandum of understanding.

## 1008.2 POLICY

The Spokane County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

## 1008.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning unreasonably avoiding a person because he/she has engaged in protected activity.

## *Anti-Retaliation*

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### **1008.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the County Director of Human Resources.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

### **1008.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

## *Anti-Retaliation*

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### **1008.6 COMMAND STAFF RESPONSIBILITIES**

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

### **1008.7 WHISTLE-BLOWING**

Washington law protects members who make good faith reports of improper government actions. Improper government actions include violations of Washington law, abuse of authority, gross waste of funds, and substantial and specific danger to the public health or safety (RCW 42.40.010 et seq.; RCW 49.60.210; RCW 42.41.010 et seq.).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Office of Professional Standards for investigation pursuant to the Personnel Complaints Policy.

#### **1008.7.1 DISPLAY OF REPORTING PROCEDURES**

The Department shall display the County policy to members regarding their rights and the procedures for reporting information of an alleged improper government action. A copy of the policy shall be made available to members upon request (RCW 42.41.030).

### **1008.8 RECORDS RETENTION AND RELEASE**

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

### **1008.9 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

# Reporting of Employee Convictions

## 1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

## 1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Washington and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 1010.3 REPORTING PROCEDURE

All members of this department and all retired deputies with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

## Drug- and Alcohol-Free Workplace

### 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

#### 1012.1.1 ZERO TOLERANCE DRUG POLICY

The Spokane County Sheriff's Office receives federal funding from various federal programs. As a result, it is subject to the Drug Free Workplace Act. The Sheriff's Office has adopted a zero tolerance policy with regard to illegal drugs that are prohibited by state and/or federal law. Employees that use drugs that are prohibited by state and/or federal law, and don't meet one of the exceptions outlined in this policy, will be subject to discipline.

### 1012.2 POLICY

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

### 1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

#### 1012.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Office while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action (RCW 69.51A.060).

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### *Drug- and Alcohol-Free Workplace*

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#### 1012.3.2 CONFIDENTIALITY

The Sheriff's Office recognizes the confidentiality and privacy due employees, and disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the expressed written consent of the employee involved or pursuant to lawful process.

#### 1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on office premises or on office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### 1012.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

#### 1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Office.

#### 1012.7 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to

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and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### **1012.8 CONFIDENTIALITY**

The Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.



## Sick Leave

### 1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable labor agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) or the Washington Family Leave Act (FLA) (29 USC § 2601 et seq.; RCW 49.78.220 et seq.).

### 1014.2 POLICY

It is the policy of the Spokane County Sheriff's Office to provide eligible employees with a sick leave benefit.

### 1014.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (RCW 49.46.210). Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 1014.3.1 NOTIFICATION

All members shall contact the on-duty Patrol Supervisor or on-duty Patrol Shift Commander as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (WAC 296-128-650).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Office with no less than 10 days' notice of the impending absence (WAC 296-128-650).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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#### **1014.4 EXTENDED ABSENCE**

Members absent from duty for more than three consecutive days may be required to furnish verification supporting the need to be absent and/or the ability to return to work (WAC 296-128-660). Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

#### **1014.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Civil Service as appropriate.
- (c) When appropriate, counseling members regarding inappropriate use of sick leave.
- (d) Referring eligible members to an available employee assistance program when appropriate.

#### **1014.6 CIVIL SERVICE**

The Director of Human Resources shall ensure:

- (a) Written or electronic notice is provided to each employee regarding applicable paid sick leave provisions as required by WAC 296-128-760.
- (b) This Sick Leave Policy is readily available to all employees (WAC 259-128-650 et seq.).
- (c) Employee records are retained and preserved regarding paid sick leave information and data as required by WAC 296-128-010.

#### **1014.7 RETALIATION**

No employee shall be retaliated against for using qualifying sick leave (WAC 296-128-770).

# Communicable Diseases

## 1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of office members contracting and/or spreading communicable diseases.

### 1016.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Spokane County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1016.2 POLICY

The Spokane County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

## 1016.3 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes (WAC 296-823-100 et seq.):

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that office members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., latex gloves, face masks, eye protection, pocket masks, shoe covers) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  - 1. Bloodborne pathogen mandates including but not limited to (WAC 296-823-110 et seq.):
    - (a) The identification of positions with the potential for exposure.

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- (b) Measures to eliminate or minimize occupational exposure and how members will be informed of those measures.
  - (c) A plan for the distribution and use of personal protective equipment (PPE) related to communicable diseases.
  - (d) Directions for appropriate labeling of contaminated items.
  - (e) Rules regarding worksite maintenance.
  - (f) Rules regarding waste.
  - (g) Confidentiality requirements and medical protocols.
  - (h) Maintenance of training and medical records.
2. The Washington Industrial Safety and Health Act (RCW 49.17.010 et seq.; WAC 296-800-110 et seq.).
  3. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

The ECO should also act as the liaison with the Washington Division of Occupational Safety and Health (DOSH) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan (WAC 296-823-11010).

#### **1016.4 EXPOSURE PREVENTION AND MITIGATION**

##### **1016.4.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or office vehicles, as applicable.
- (b) Wearing office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

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1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### 1016.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (WAC 296-823-130).

### **1016.5 POST EXPOSURE**

#### 1016.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

#### 1016.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (WAC 296-823-16005):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited.

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The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

#### 1016.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (WAC 296-823-16005).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

#### 1016.5.4 COUNSELING

The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (WAC 296-823-16005).

#### 1016.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO (WAC 296-823-16010). If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) In the event that consent cannot be obtained, by contacting the local health authority who may pursue testing of the source individual for HIV or other communicable diseases (RCW 70.24.340; WAC 246-100-205).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the Prosecuting Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

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#### **1016.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **1016.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training shall include the mandates provided in WAC 296-823-12005 et seq. and:

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Shall provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

# Smoking and Tobacco Use

## 1018.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Spokane County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

## 1018.2 POLICY

The Spokane County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Office and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all office facilities, buildings and vehicles, and as is further outlined in this policy (RCW 70.160.030).

## 1018.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Spokane County Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

## 1018.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of a main entrance, exit or operable window of any building (RCW 70.160.075).

### 1018.4.1 NOTICE

The Sheriff or the authorized designee shall ensure that proper signage prohibiting smoking is conspicuously posted at each entrance to the office facilities (RCW 70.160.050).



## Personnel Complaints

### 1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Spokane County Sheriff's Office. This policy shall not apply to informal or preliminary questioning, counseling, instruction or admonishment in the normal course of duty by a supervisor or other ranking member, nor shall this policy apply to a criminal investigation.

#### 1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law and would likely result in corrective/disciplinary action.

**Inquiry** - An inquiry is:

- (a) A contact either in person, by phone, electronically or in writing with a citizen, another member of the Sheriff's Office or the member of another law enforcement agency regarding a complaint, question or concern about the conduct or performance of a Sheriff's Office employee that has been resolved to the calling/complaining party's satisfaction.
- (b) A complaint, question or concern about the conduct or performance of a Sheriff's Office employee which, even if true, would not constitute a violation of policy or law.
- (c) A complaint, question or concern about the conduct or performance of a Sheriff's Office employee that lacks information or detail sufficient to identify the employee allegedly involved.
- (d) A matter in which the complaining party, after making an initial complaint, becomes either disinterested, unavailable or uncooperative to the degree that further investigation of the complaint is determined to be unnecessary or impractical.

Inquiries may be documented via Blue Team or IAPro or on a Complaint and Inquiry Form at the discretion of the supervisor or other designated Sheriff's Office employee handling the inquiry.

Personnel Complaints shall be classified in one of the following categories:

**Initial Complaint:** A contact either in person, by phone, electronically or in writing with a citizen or member of another law enforcement agency alleging misconduct or improper job performance that, if true, would constitute a violation of department policy, federal, state or local law and would likely result in corrective/disciplinary action.

**Formal Complaint:** - A contact either in person, by phone, electronically or in writing with a citizen, another member of the Sheriff's Office or the member of another law enforcement agency regarding an allegation of misconduct or improper job performance that, if true, would constitute

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a violation of department policy, federal, state or local law and would likely result in corrective/disciplinary action where:

- (a) The complainant completes and returns Compliant/Witness forms or provides a written statement or complaint.
- (b) The complainant declines to provide a formal written complaint for whatever reason but clearly expresses a desire that their complaint be investigated.
- (c) A division commander, undersheriff or the sheriff determines that further action is warranted.

Investigations into personnel complaints shall be classified in one of the following categories:

**Initial Investigation:** A limited investigation into a complaint for the purpose of attempting to determine whether a formal investigation is necessary and/or justified. This type of investigation may include, but not necessarily be limited to, the acquisition/collection of written complaints or statements, administrative reports, incident and CAD reports or other relevant documents. It may also include conversations/interviews with complaining parties and/or witnesses.

**Formal Investigation:** A complete and thorough investigation into a complaint that has been formally assigned for investigation by a division commander, undersheriff or the sheriff.

#### **1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

##### **1020.2.1 AVAILABILITY OF COMPLAINT FORMS**

Complainant/Witness Statement forms will be maintained in a clearly visible location in the public lobby. Forms may also be available at other Sheriff's Office facilities and available to department employees. See attached form.

See attachment: [COMPLAINT-WITNESSForm.pdf](#)

##### **1020.2.2 SOURCE OF COMPLAINTS**

- (a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct or improper job performance by an employee which, if true, would likely result in corrective/disciplinary action.
- (c) A complaint may be filed directly with the Office of Professional Standards or the sheriff.
- (d) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

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#### 1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be made in person, in writing, electronically or by telephoning the department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Formal Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would constitute a violation of Sheriff's Office policy, federal, state or local law and would likely result in corrective/disciplinary action.
- (b) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Complaint/Witness Statement form.
- (c) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

#### 1020.2.4 COMPLAINT DOCUMENTATION

Initial and formal complaints of alleged misconduct and/or improper job performance should be documented by supervisors via Blue Team or by shift commanders or other designated employees via IAPro. The shift commander or other designated employee entering a complaint into IAPro, or bringing a complaint into IAPro from Blue Team, will complete a Complaint and Inquiry form to be used as a cover sheet for the complaint packet. The supervisor or other designated employee taking the complaint shall ensure that the nature of the complaint is defined as clearly as possible.

When a Complaint/Witness Statement form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor or designated employee. Absent circumstances prohibiting it, an effort should be made to audio and/or video record complainant and non-member witness interviews. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, complainant should read or be advised of the warning at the bottom of the form regarding knowingly making a false or misleading statement and asked to sign and date the form.

#### 1020.2.5 ASSIGNMENT OF COMPLAINT INVESTIGATION

While supervisors are responsible for the initial investigation and documentation of complaints, any formal investigation will be conducted by a shift commander or above or by personnel of the Office of Professional Standards. The assignment of the formal investigation will be made by the division commander based on factors including, but not limited to:

- Complexity of the investigation
- Seriousness of the allegation
- Likelihood of litigation

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#### **1020.3 SUPERVISOR RESPONSIBILITY**

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the initial investigation of a personnel complaint shall rest with the employee's immediate supervisor. The sheriff or authorized designee may, however, direct that another supervisor or designated employee investigate the complaint. The supervisor shall be responsible for the following:

- (a) A supervisor receiving an initial or formal complaint involving allegations of a potentially serious nature shall ensure that the shift commander, division commander and sheriff are notified as soon as practicable.
- (b) A supervisor receiving or initiating an initial or formal complaint will document the complaint via Blue Team and forward it to the appropriate shift commander for review and entry into the IAPro database. The supervisor will assure that Complaint/Witness forms are provided or mailed to the complainant if requested or appropriate. The shift commander entering the complaint in IAPro will ensure that a Complaint and Inquiry form is completed and attached to the complaint. The shift commander will review the complaint, collect and attach any relevant reports, written statements or documents and forward the packet to the appropriate division commander. The division commander will review the complaint packet and may assign it for formal investigation, return it to the shift commander for further action or direct that it be reduced to an inquiry and settled.
  - 1. During the initial investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
  - 2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.
  - 3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's shift commander, division commander or the sheriff who will initiate appropriate action.
- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to law.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor or shift commander receiving the complaint shall contact the sheriff and Human Resources for direction regarding their role in investigation and/or addressing the complaint.

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#### **1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the agency, the employee, other employees or the public, the accused employee may be placed on non-disciplinary administrative leave pending completion of the investigation or the filing of administrative charges. The sheriff still reserves the right to terminate employees who commit a serious misconduct violation.

##### **1020.4.1 ADMINISTRATIVE LEAVE**

An employee placed on administrative leave may be subject to the following guidelines:

- (a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.
- (b) An employee placed on administrative leave may be required to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment.
- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered.
- (e) The sheriff or his/her designee is authorized to place an employee on administrative leave.
- (f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned.

#### **1020.5 ALLEGATIONS OF CRIMINAL CONDUCT**

Where an employee of this department is accused of potential criminal conduct within our jurisdiction, an investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The sheriff shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the sheriff may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

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No information or evidence administratively compelled from an employee may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer which has not led to a conviction. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy. Violations of any law, an indictment or information filed against a member/employee, or a conviction may be cause for disciplinary action up to and including termination of employment.

#### **1020.6 ADMINISTRATIVE INVESTIGATION OF FORMAL COMPLAINT**

Whether conducted by a shift commander or above or an assigned member of the Office of Professional Standards, the following procedures shall be followed with regard to the accused employee(s):

- (a) Interviews of accused and/or witness employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated.
- (b) No more than two interviewers may ask questions of an accused employee.
- (c) Prior to any interview, an employee shall be informed of the nature of the investigation.
- (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated.
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.
- (f) Absent circumstances preventing it, the interviewer should audio and/or visually record all interviews of employees. The employee may also record the interview. Each party shall be responsible for supplying their own audio-visual equipment.
- (g) All employees subjected to interviews that could result in disciplinary action shall have the right to have a collective bargaining unit representative and/or their supervisor present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed. Nothing in this policy is intended to prevent a deputy from meeting individually with legal representation. In addition, they may also have legal representation at their own expense. Collective bargaining unit representative participation is governed by specific collective bargaining agreements. Other support persons may advise the employee but not take part in the interview. Any of these representatives that are deemed to be disruptive and fail to follow established guidelines of the interview will be excused.

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The employee shall be given time to consult with any of these persons prior to the interview on a reasonable basis. The employee may not use consultation as a delaying technique.

- (h) All employees shall provide complete and truthful responses to questions posed during interviews.
- (i) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

#### 1020.6.1 ADMINISTRATIVE SEARCHES

An employee of this department may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances:

- When the employee, whether on or off-duty, is involved in a shooting or law enforcement related death.
- When the employee is involved in an injury or fatal accident while on duty.
- When the employee is involved in an injury or fatal accident while operating any county owned vehicle whether on or off-duty.
- When the employee is found to be exhibiting objective symptoms of intoxication or drug influence while on duty.

The use of compelled testing results shall be restricted to the administrative investigation.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties; or, if the employee is assigned to or being considered for a special assignment with a potential for bribes.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place.

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

#### 1020.6.2 ADMINISTRATIVE INVESTIGATIVE REPORT FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

**Synopsis** - Provide a brief summary of the facts and circumstances giving rise to the investigation.

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**Investigation** - Detail the investigative actions taken during the course of the investigation including summaries of employee and witness interviews.

**Summary Of Allegations** - Separately lists the allegations including the applicable Sheriff's Office Policy sections.

**Evidence As To Each Allegation** - Detail the evidence obtained during the investigation as to each of the listed allegations including comprehensive summaries of relevant employee and witness statements.

**Exhibit List** - When appropriate, an exhibit list should be included in the investigative report to aid in the orderly and detailed presentation of evidence.

#### 1020.6.3 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

#### 1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel.

**Exonerated** - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

**Not Sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### 1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or designated employee assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation within a reasonable period following receipt and consistent with appropriate labor agreements. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.



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If the complaining party is charged with a criminal offense associated with the investigation, the investigation may be suspended until the completion of the criminal trial.

Upon completion of the investigation, the investigative file should be forwarded to the division commander of the involved employee(s), the undersheriff or the sheriff.

Once received, the sheriff may accept or modify the classification and recommendation for disciplinary action.

Within 45 days of the final review by the sheriff, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint.

Any complaining party who is not satisfied with the findings of the department concerning their complaint may contact the sheriff to discuss the matter further.

#### **1020.8.1 CONFIDENTIALITY OF PERSONNEL FILES**

All investigations of personnel complaints shall be considered confidential peace officer administrative files (Policy Manual § 1026). The contents of such files shall not be disclosed other than as required by law, to the involved employee or authorized personnel, or pursuant to lawful process (RCW 42.56 et seq., and RCW 70.02).

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the department may disclose sufficient information from the employee's personnel file to refute such false representations.

All externally generated formal personnel complaints shall be maintained for a period of no less than current plus six years. All internally generated complaints shall be maintained no less than two years.

All complaints against employees will be maintained by the Office of Professional Standards in either the employee's Administrative File, the Contact File, or in the IAPro database.

#### **1020.9 ANNUAL REVIEW OF PURSUITS, USE OF FORCE INCIDENTS AND INTERNAL INVESTIGATIONS**

It is the policy of the Spokane County Sheriff's Office to conduct an overall, collective analysis of all pursuits, use of force incidents, and internal investigations with the intent to identify trends and patterns related to policy, procedure, training, supervision, and/or personnel. This analysis will be conducted by the Sheriff's designee and reviewed by the Sheriff on an annual basis.

## Seat Belts

### 1022.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in office vehicles.

#### 1022.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 and RCW 46.61.687(6).

### 1022.2 POLICY

It is the policy of the Spokane County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

### 1022.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this office while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Office, are properly restrained (RCW 46.61.688; RCW 46.61.687).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the office member or the public. Members must be prepared to justify any deviation from this requirement.

### 1022.4 TRANSPORTING CHILDREN

A child restraint system shall be used for all children of an age, height or weight for which such restraints are required by law (RCW 46.61.687).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side air bag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

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#### **1022.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES**

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any office vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints (WAC 204-41-030).

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

#### **1022.6 INOPERABLE SEAT BELTS**

Office vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Office vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

#### **1022.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

#### **1022.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1024.2 POLICY

It is the policy of the Spokane County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 1024.3 ISSUANCE OF BODY ARMOR

The Training Sergeant shall ensure that body armor is issued to all deputies when the deputy begins service at the Spokane County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Training Sergeant shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

#### 1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Deputies shall only wear agency-approved body armor.
- (b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when a deputy is working in uniform or taking part in Department range training.
- (e) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

#### 1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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### **1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR**

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

### **1024.4 LEAD FIREARM INSTRUCTOR RESPONSIBILITIES**

The Lead Firearm Instructor should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.

## Personnel Files

### 1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention, and access to peace officer personnel files in accordance with established law. It is the policy of this Office to maintain the confidentiality of peace officer personnel records pursuant to the exemptions listed in subsections of RCW 42.56.

### 1026.2 PERSONNEL FILES DEFINED

Peace officer personnel records shall include any file maintained under an individual deputy's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history, including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the deputy participated, or which the deputy perceived, and pertaining to the manner in which the deputy performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

### 1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

**Personnel File** - That file which is maintained in the office of the Sheriff or his/her designee or by the Spokane County Civil Service as a permanent record of a sworn deputy's employment with this Office.

**Division File** - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

**Supervisor Log Entries** - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this Office.

**Training File** - Any file which documents the training records of an employee.

**Administrative Files** - Those files containing the documentation of formal complaints of employee misconduct or improper job performance and all materials relating to the investigation into such allegations, regardless of disposition.

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**Contact File** - That file maintained by the Office of Professional Standards which contains the documentation of inquiries and initial investigations of alleged employee misconduct or improper job performance and all materials relating to the investigation into such allegations regardless of disposition as well as the documentation of any complaints or inquiries where a division Commander, Undersheriff or the Sheriff determines that no further action is deemed necessary or justified.

**IAPro Database** - That computer database which is maintained by the Office of Professional Standards which contains digital records of Civil Claims/Lawsuits, Employee Commendations, Internal and External Personal Complaints, Inquiries, Firearms Discharges, In-Custody Deaths, Use of Force Reports, Vehicle Accidents and Vehicle Pursuits.

**Medical File** - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

Pre-employment personnel files, including background information psychological and polygraph results, will also be maintained in the office of the Sheriff or his/her designee or by the Spokane County Civil Service. Such files shall be kept separately from other personnel files.

All employee records will be secured and available only to persons authorized to access such information.

#### **1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES**

In general, unless expressly stated by statutory exception, personnel records are subject to public disclosure. To the extent possible, all personnel records, whether or not subject to public disclosure, should be maintained as private records. Access to personnel files should be limited to only those local government employees who are needed to maintain the files and those who have a legitimate need for access or legal right to access. All of the personnel records listed in Policy Manual § 1026.2 shall be deemed private, and access to such files will be limited to only those Office or County employees who are needed to maintain the files and those who have a legitimate need for access. Nothing in this section is intended to preclude review of personnel files by the Chief Executive Officer, Prosecuting Attorney, or other attorneys or representatives of the County in connection with official business.

#### **1026.5 REQUESTS FOR DISCLOSURE**

All records kept by Washington State public agencies are considered public unless they are covered by specific disclosure statutes (RCW 42.56.070).

- (a) Private personnel records that are exempted from public disclosure include:
  - 1. Applications for public employment (RCW 42.56.250).
  - 2. Residential addresses and telephone numbers (RCW 42.56.250).
  - 3. Performance evaluations which do not discuss specific instances of misconduct.
  - 4. Medical information (RCW 42.56.230).

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5. Industrial insurance (workers' compensation) claim files and records (RCW 51.28.070).
  6. Employee identification numbers.
  7. Taxpayer information, such as tax withholding data (RCW 42.56.230(4)).
- (b) Records that are not covered by other specific disclosure exemption statutes must be made available for inspection and copying. This includes the following private personnel records:
1. Employee advancement or discipline reports.
  2. Personnel complaint investigations after such investigations have been completed or are no longer under review or deliberation.
  3. Office reports to CJTC regarding the separation from employment of a deputy.

When complaint investigations are complete and found to be unsubstantiated (not-sustained, exonerated or unfounded) the names and identifying information of the subject employee is protected from public disclosure. In such cases, the Records Manager shall ensure that the name and other identifying information of the subject employee is redacted before the document or documents are released.

All requests for the disclosure of any information contained in any deputy's personnel record shall be documented in writing and promptly brought to the attention of the employee's Division Commander, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

#### 1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved deputy or written authorization of the Sheriff or his/her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this office may be guilty of a misdemeanor.



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The disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Office may also release any factual information concerning a disciplinary investigation if the deputy who is the subject of the investigation (or the deputy's representative) publicly makes a statement which is published in the media and which the deputy (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

#### **1026.6 EMPLOYEE ACCESS TO OWN FILE**

Employees may be restricted from accessing files containing any of the following information:

- (a) Background information, letters of recommendation, test results, and promotional assessments.
- (b) Ongoing Internal Affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline, consistent with applicable law.

Any employee may request access to his/her own personnel record(s) during the normal business hours of the individual(s) responsible for maintaining such record(s). Any employee seeking the removal of any item from his/her personnel record shall file a written request to the Sheriff through the chain of command. The Office shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed. If the contested item is not removed from the record, the employee's request and the Office's written response shall be retained with the contested item in the employee's personnel file (RCW 49.12.250).

#### **1026.7 TYPES OF PERSONNEL FILES**

Member personnel records can be located through the Administrative Secretary.

##### **1026.7.1 PERSONNEL FILE**

The personnel file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained.
- (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education should be maintained.

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1. It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
2. The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's training file.
- (c) Commendations shall be retained in the employee's personnel file, with a copy provided to the involved employee(s).
- (d) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.
- (e) A photograph of the employee.

#### 1026.7.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations.
  1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file.
  2. Duplicate copies of items that will also be included in the employee's personnel file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
  3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.
- (b) Adverse comments such as supervisor log entries may be retained in the personnel file or division file after the employee has had the opportunity to read and initial the comment and for a period up to one year.
  1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days.
  2. Any such employee response shall be attached to and retained with the original adverse comment.
  3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.
- (c) All rules of confidentiality and disclosure shall apply equally to the division file.

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#### 1026.7.3 ADMINISTRATIVE FILE

The administrative file shall be maintained under the exclusive control of the Office of Professional Standards in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the supervisor of the Office of Professional Standards. These files shall contain:

- (a) Disciplinary action
  - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's administrative file at least two years.
  - 2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's administrative file at least six years.
  - 3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall be maintained in the individual employee's administrative file at least six years.
- (b) The complete investigation of all formal complaints of employee misconduct regardless of disposition
  - 1. Each internal investigation file shall be sequentially numbered within a calendar year (e.g., 07-0001, 07-0002).
  - 2. Each internal investigation file arising out of a citizen's formal complaint shall be maintained no less than current plus six years. Internal investigation files arising out of internally generated complaints shall be maintained no less than two years.
- (c) Investigations which result in other than a sustained finding shall be maintained for the minimum statutory period, but may not be used by the Sheriff's Office to adversely affect an employee's career.

#### 1026.7.4 TRAINING FILES

An individual training file shall be maintained by the Training Unit for each employee. Training files will contain records of all training and education mandated by law or the Office, including firearms qualifications and mandated annual proficiency requalification.

- (a) It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's training file.

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#### 1026.7.5 MEDICAL FILE

The Medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
- (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

#### 1026.7.6 CONTACT FILE

The Contact File contains:

The documentation of inquiries and initial investigations of alleged employee misconduct or improper job performance and all materials relating to the investigation into such allegations regardless of disposition as well as the documentation of any complaints or inquiries where a division commander, undersheriff or the sheriff determines that no further action is deemed necessary or justified.

#### 1026.8 PURGING OF FILES

Personnel records shall be maintained and destroyed as specified in the current Records Retention Schedule for Law Enforcement Agencies, located at <http://www.sos.wa.gov/archives/recordsmanagement/recordsretentionschedulesforlawenforcementagencies.aspx>

# Request for Change of Assignment

## 1028.1 PURPOSE AND SCOPE

It is the intent of the Sheriff's Office that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

## 1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment form. The form should then be forwarded through the chain of command to their Division Commander.

### 1028.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1<sup>st</sup> of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request form.

## 1028.3 SUPERVISOR'S COMMENTARY

The deputy's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Division Commander of the employee involved. In the case of patrol deputies, the Shift Commander must comment on the request with his/her recommendation before forwarding the request to the Division Commander. If the Shift Commander does not receive the Change of Assignment Request Form, the Division Commander will initial the form and return it to the employee without consideration.

It is the Division Commanders responsibility to see that the requests for change of assignment are entered into the database for tracking.

# Employee Commendations

## 1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

## 1030.2 WHO MAY MAKE COMMENDATIONS

Nominations for any Sheriff's Office award will normally be made by the commanding officer of the individual concerned. However, any employee of the Sheriff's Office may submit nominations by documenting the basis for such nomination. All nominations will be documented in memorandum form and forwarded through channels to the Awards Board. The documentation must include the time or period of time, date or dates, place or places, and a detailed description of the act or services performed which meets the eligibility requirements as set forth.

### 1030.2.1 AWARDS BOARD MEMBERSHIP

Awards Board members will normally serve a term of one year with staggered terms to maintain continuity. Any member's term may be extended. The Awards Board will consist of the following members:

- (a) Undersheriff
- (b) A Captain or Lieutenant
- (c) A Deputy
- (d) The Public Information Officer
- (e) Two noncommissioned employees designated by the Sheriff

### 1030.2.2 AWARDS BOARD RESPONSIBILITY

It will be the responsibility of the Awards Board to develop the criteria for determining the applicability of each award to be presented. The Board will review the award recommendation of nomination. The Awards Board will forward a recommendation to the Sheriff. Should the Sheriff or the Board not approve the award, the Board will respond to the person who made the nomination.

### 1030.2.3 HONORS NOT REQUIRING AWARDS BOARD ACTION

Written commendations recognizing excellent performance of duty which should be documented do not require Awards Board action.

Outstanding Citizen Awards will be awarded to citizens who have rendered invaluable assistance to the Sheriff's Office.

## 1030.3 AWARDS

It is the intent of the Sheriff's Office that various acts or meritorious accomplishments will be publicly recognized when those acts or accomplishments are determined to be conspicuously

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outstanding acts of heroism, or exceptionally meritorious, or acts which are above and beyond those normally expected. The following are the awards for the Sheriff's Office:

**Medal of Valor** - The Medal of Valor is the highest recognition of outstanding achievement presented by the Sheriff's Office. The Medal of Valor will be awarded to Sheriff's Office personnel who distinguish themselves with extraordinary acts of bravery or heroism above and beyond that normally expected in the line of duty. Personnel must have displayed extreme courage by placing their own safety in immediate peril in an effort to provide protection or preservation of life. Recipients of the Medal of Valor will receive:

- A certificate suitably inscribed to recount in some detail the reason the award was given.
- A gold medallion inscribed with the recipient's name and the date of the incident.
- A metal bar approximately 1/4 inch by 1 inch, green in color with a gold colored boundary with two gold stars centered in the green section. This bar may become a permanent part of the uniform and may be worn on the right side of the uniform shirt, centered above the name tag.

**Medal of Merit** - The Medal of Merit will be awarded to Sheriff's Office personnel who distinguish themselves by meritorious achievement or meritorious service. Meritorious actions are those clearly exceeding that which is normally required or expected. The degree of merit need not be unique but must be exceptional and superior. Acts of courage, which do not meet the voluntary risk of life required for the Medal of Valor may be considered for the Medal of Merit. Recipients of the Medal of Merit will receive:

- A certificate suitably inscribed to recount in some detail the reason the award was given.
- A silver medallion inscribed with the recipient's name and the date of the incident.
- A metal bar approximately 1/4 inch by 1 inch, green in color with a gold colored boundary with one gold star centered in the green section. This bar may become a permanent part of the uniform and may be worn on the right side of the uniform shirt, centered above the name tag.

**Purple Heart** - The Purple Heart will be awarded to Sheriff's Office personnel who receive a wound or injury of a degree necessitating hospitalization or the immediate care of a physician. This injury must be of a serious nature inflicted by a weapon or instrument capable of causing death or permanent disability. To qualify for this award, the wound or injury must have appeared to have been caused by the direct actions of another during the commission of a crime, which causes injury to the deputy or some other person, thing or property. The other person need not have actual intent to harm the deputy. Recipients of the Purple Heart will receive:

- A certificate suitably inscribed to recount in some detail the reason the award was given.

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- A silver medallion inscribed with the recipient's name and the date of the incident.
- A metal bar approximately 1/4 inch by 1 inch, purple in color on which is centered a silver star. This bar may become a permanent part of the uniform and may be worn on the right side of the uniform shirt, centered above the name tag.

**Lifesaving Medal** - The Lifesaving Medal will be awarded to Sheriff's Office personnel who, by their immediate actions, have saved a human life under unusual and/or extraordinary circumstances. The member must have personally performed the action. A competent authority must confirm the life sustaining action. Recipients of the Lifesaving Medal award will receive:

- A certificate suitably inscribed to recount in some detail the reason the award was given.
- A silver medallion inscribed with the recipient's name and the date of the incident.
- A metal bar approximately 1/4 inch by 1 inch, red in color on which is centered a silver star. This bar may become a permanent part of the uniform and may be worn on the right side of the uniform shirt, centered above the name tag.

**Unit Merit Citation** - To be awarded to a unit and the individuals participating in an incident that had a substantial positive impact on the community. To be used in situations that do not amount to the criteria required for the Medal of Merit, but exceeds letters of commendations. Requirements include: Competence demonstrated by the effectiveness of a positive result to the community; a positive impact on the public welfare either directly or indirectly as a result of their continuous on going team effort; exceeds the level of performance that is expected by the public. Recipients of the Unit Merit Citation will receive:

- A certificate suitable for display in the units work area or roll call area.
- Certificates for each employee involved in the situation that precipitated the nomination for the award.
- A metal bar approximately 1/4 inch by 1 inch, blue in color on which is centered a bronze star. This bar may become a permanent part of the uniform and may be worn on the right side of the uniform shirt, centered above the name tag or as a lapel pin for non-uniform employees.

**Annual Unit Merit Award** - To be awarded to that unit whose members have distinguished themselves and the Sheriff's Office, thereby having a positive impact on the community confidence in its law enforcement professionals. Members must display professional competence, effective teamwork and esprit de corps that exceeds what might be normally expected. This award need not be awarded for the unit's performance in a single incident, but may be awarded for maintaining higher performance standards throughout the year. Recipients of the Annual Unit Merit Award will receive:

- A framed certificate of acknowledgment for the unit to display.



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- The unit's name will be added to a plaque that shall be prominently displayed for public viewing.

**Sheriff Star Award** - To be awarded at the direction of the Sheriff. Recipient of the Sheriff Star award will receive:

- A plaque for display with the name and year of the award.
- For commissioned personnel: a gold medallion inscribed with the recipient's name and year.
- A metal bar approximately 1/2 inch by 1 1/2 inch, green in color with a raised gold colored boundary with one raised gold star centered in the green section. This bar may become a permanent part of the uniform and may be worn on the right side of the uniform shirt, centered above the name tag.

**Other Awards** - Any award from outside the Sheriff's Office may be worn on the uniform with the written approval of the Sheriff.

## Fitness for Duty

### 1032.1 PURPOSE AND SCOPE

All deputies are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all deputies of this department remain fit for duty and able to perform their job functions.

### 1032.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### 1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.
- (b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Department to assess options and react responsibly to assure the safety of the employee, other members of the Department and the public, while complying with the employee's legal rights.
- (d) In conjunction with the Shift Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

## *Fitness for Duty*

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### **1032.4 RELIEF FROM DUTY**

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family medical leave under state and/or federal law. Consult with Human Resources to assure proper notification and compliance with family medical leave rights. Employees who are relieved from duty for medical reasons may be eligible for workers compensation payments or may be required to use sick leave or other paid time off consistent with applicable policies.

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

### **1032.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Civil Service to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining health care provider will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. The scope of the requested fitness for duty report shall be confined to the physical or psychological condition that prompted the need for the examination. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) In the event an employee is required to submit to a "fitness for duty" examination as a condition of returning from medical leave required under the Family Medical Leave Act (FMLA), contact Human Resources for direction regarding how to proceed.

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### *Fitness for Duty*

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- (g) Once an employee has been deemed fit for duty by the examining health care provider, the employee will be notified to resume his/her duties.

#### **1032.6 LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

- 14 hours in one day (24 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

#### **1032.7 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

## Meal Periods and Breaks

### 1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks shall conform to all collective bargaining agreements.

## Lactation Break Policy

### 1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

### 1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207).

### 1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify Combined Communication Center or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be sanitary, shielded from view, and free from intrusion from co-workers and the public (29 USC § 207 and RCW 43.70.640).

Employees occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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## *Lactation Break Policy*

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### **1035.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

## Overtime Payment Requests

### 1038.1 PURPOSE AND SCOPE

It is the policy of the Sheriff's Office to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreements, or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

#### 1038.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Sheriff's Office. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 80 hours of compensatory time.

### 1038.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forward to the Administration Division. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

#### 1038.2.1 EMPLOYEES RESPONSIBILITY

Employees shall submit all overtime compensation requests to their immediate supervisors or Shift Commander as soon as practicable for verification. Employees submitting overtime forms for on-call pay when off duty shall submit forms to the immediate supervisor the first day after returning for work.

#### 1038.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

The overtime payment request form is forwarded to the administration staff.



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### *Overtime Payment Requests*

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#### **1038.3 ACCOUNTING FOR OVERTIME WORKED**

Employees are to record the actual time worked in an overtime status. In some cases, the Collective Bargaining Agreements provide that a minimum number of hours will be paid, (e.g., three hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

##### **1038.3.1 VARIATION IN TIME REPORTED**

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other deputy, the Shift Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

# Outside Employment

## 1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. In all cases of extra duty and outside employment, the primary duty and obligation of an employee is at all times to the Sheriff's Office. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

### 1040.1.1 DEFINITIONS

**Outside Employment** - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

**Extra Duty Employment** - This entails deputies working law enforcement or security related assignments whether in uniform or not. All deputy assignments will come through Special Events/Extra Duty Employment. Assignments for work details will be scheduled in accordance with extra duty employment standard operating procedures and applicable collective bargaining agreements.

### 1040.1.2 LIMITATIONS ON EXTRA DUTY AND OUTSIDE EMPLOYMENT

**On duty restrictions** - Employees shall not engage in extra duty or outside employment while on duty.

**On call restrictions** - For purposes of eligibility for extra duty assignments, an employee who is "on-call" is not deemed eligible for such assignment.

**Ability to perform** - Employees shall not engage in outside employment that adversely impacts their ability to perform duties as Sheriff's Office employees.

**Primary obligation** - Employees are subject to call by the department at any time for emergencies, special assignment, or overtime duty. Outside employment shall not infringe on this obligation.

**Misuse of authority** - Employees shall not misuse the authority of their office while engaged in extra duty or outside employment.

**Duty status** - An employee engaged in authorized extra duty employment of a police nature is considered to be in an on duty status. Deputies shall not engage in extra duty work if they are on injured or light duty status with the Sheriff's Office.

**Failure to report for duty** - If an employee fails to report or reports late for a contracted extra duty job, the same procedures will apply that pertain to unexcused absence or tardiness for regular duty. The employee working extra duty is on duty in the employ of the Spokane County Sheriff's

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### *Outside Employment*

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Office under the contracted agreement through the department and as such is subject to the same provisions as other duty assignments. Violations will be reported through the chain of command.

Compensation to employees - Employees shall be compensated by the county and shall not accept compensation directly from any extra duty employer, and shall accrue all benefits in accordance with law and collective bargaining agreements. Deputies shall not enter into their own contracts for such services.

Use of county equipment - County equipment utilized by employees during extra duty employment may be charged to the outside extra duty employer. Generally, sheriff vehicles will be a contract item, unless it is determined to be in the best interest of the Sheriff's Office. The Special Events/ Extra Duty Employment Office will determine the costs associated with the equipment and the appropriateness of utilizing sheriff vehicles during such employment.

Law enforcement obligation - Employees engaged in extra duty employment are expected to discharge all duties of their office, to enforce all laws and ordinances, and to adhere to all Sheriff's Office policies and procedures.

Supervision - Whenever an outside extra duty employer requests four or more employees to work an extra duty assignment, a supervisor may also be required to direct the employees' activities. When employees are working at an extra duty assignment without authorized supervision, the employees are responsible to the on duty Patrol Division Shift Commander.

Volunteering of time - Deputies are not allowed to donate time in uniform or of a law enforcement nature, when that function is similar to duties performed for the Spokane Sheriff's Office.

#### **1040.2 OBTAINING APPROVAL**

No member of the Sheriff's Office may engage in any extra duty and outside employment without first obtaining prior written approval of the Sheriff or designee. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for Extra Duty or outside employment, the employee must complete an Extra Duty or an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Sheriff or designee for consideration.

If approved, the employee will be provided with a copy of the approved authorization. Employees shall not engage in outside/extra duty employment during the initial probation period (entry-level) without written approval of the Sheriff or designee. Unless otherwise indicated in writing on the approved authorization, an outside employment authorization will be valid through the end of the calendar year in which the authorization is approved. Any employee seeking to renew an authorization shall submit a new Outside Employment Application in a timely manner. An authorization to work extra duty does not require yearly renewal.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

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### *Outside Employment*

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#### **1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT**

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Sheriff within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the employee's current collective bargaining agreement.

#### **1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT AUTHORIZATION**

Any extra duty or outside employment authorization may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at the Sheriff's Office decline to a point where it is evaluated by a supervisor as below acceptable standards, the Sheriff may, at his/her discretion, suspend or revoke any previously approved extra duty and/or outside employment authorization(s). That suspension or revocation will stand for a set period of time. At the completion of this set time, the employee may apply for reinstatement of privileges. Satisfactory job performance and the recommendation of the employee's immediate supervisor are required.
- (b) Suspension or revocation of a previously approved extra duty and/or outside employment authorization may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment authorization, an employee's conduct or outside employment conflicts with the provisions of the Sheriff's Office policy, the authorization may be suspended or revoked.
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment authorization may be rescinded until the employee has returned to a full duty status.

#### **1040.3 PROHIBITED OUTSIDE EMPLOYMENT**

The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which, in its view, would:

- (a) Involve the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.
- (b) Involve the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

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### *Outside Employment*

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- (c) Involve the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.
- (d) Involve time demands that would render performance of the employee's duties for this department less efficient or render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

#### 1040.3.1 OUTSIDE SECURITY EMPLOYMENT

Because it would further create a potential conflict of interest, no member of this Department may engage in any outside employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking outside security services from members of this department must submit a request to the Sheriff through the Extra Duty Employment Office of the department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, participating employees shall be subject to the following conditions:
  - 1. The deputy(s) shall wear the Sheriff's Office uniform/identification.
  - 2. The deputy(s) shall be subject to the rules and regulations of the Sheriff's Office.
  - 3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
  - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.

#### 1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment and should be reported as time worked on employee time records.

#### 1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover deputies or deputies assigned to covert operations shall not be eligible to work in

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a uniformed or other capacity which might reasonably disclose the deputy's status as a law enforcement officer.

#### **1040.4 DEPARTMENT RESOURCES**

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

##### **1040.4.1 REVIEW OF FINANCIAL RECORDS**

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS.

#### **1040.5 MATERIAL CHANGES OR TERMINATION OF OUTSIDE EMPLOYMENT**

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Sheriff through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees are also required to disclose material changes in outside employment that occur after approval of outside employment has been granted to the Sheriff in writing. For the purpose of this policy, such changes include any material change in the number of hours, type of duties or demands of outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

#### **1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work

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authorization, a notice of revocation of the member's authorization will be forwarded to the involved employee, and a copy attached to the original work authorization.

Criteria for revoking the outside employment authorization include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Spokane County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the authorization.

# Occupational Disease and Work-Related Injury Reporting

## 1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, post-traumatic stress disorder (PTSD), and work-related injuries.

### 1042.1.1 DEFINITIONS

Definitions related to this policy include:

**Occupational disease or work-related injury** - An injury, disease, PTSD, or infection while acting in the course of employment (RCW 51.08.013; RCW 51.08.100; RCW 51.08.140; RCW 51.08.142).

## 1042.2 POLICY

The Spokane County Sheriff's Office will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (RCW 51.28.010 et seq.).

## 1042.3 RESPONSIBILITIES

### 1042.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

### 1042.3.2 SUPERVISOR RESPONSIBILITIES

Notify Risk-Management immediately if an employee is admitted to the hospital as the result of an on-duty injury.

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Accident, Illness and Injury Prevention policies apply and take additional action as required.

### 1042.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff, the County's risk management entity, and the Administration Division Commander to ensure any required Department of Labor and



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## *Occupational Disease and Work-Related Injury Reporting*

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Industries reporting is made as required in the accident, illness and injury prevention plan identified in the Accident, Illness and Injury Prevention Policy.

### **1042.3.4 SHERIFF RESPONSIBILITIES**

The Sheriff shall review and forward copies of the report to the Civil Service. Copies of the report and related documents retained by the Office shall be filed in the member's confidential medical file.

### **1042.4 OTHER DISEASE OR INJURY**

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administration Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

### **1042.5 SETTLEMENT OFFERS**

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

#### **1042.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

# Personal Appearance Standards

## 1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance in a manner that projects a professional image appropriate for this department and for their assignment.

## 1044.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

### 1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

### 1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

### 1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

### 1044.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Sheriff or his/her designee.

### 1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to deputies or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger. Uniformed female deputies wearing nail polish shall use a conservative shade, without decals or ornamentation, and shall not detract from uniform appearance.

### 1044.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by deputies on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

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### *Personal Appearance Standards*

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Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Sheriff or his/her designee. Deputies may wear earrings that do not present a safety hazard. Earrings must be a post with a safety back and shall be no larger than a 1/4 inch in diameter. Earrings shall not display graphic images, pictures, or slogans of an offensive nature or religious symbolism. Earrings shall be limited to one earring per ear. Only one ring set may be worn on each hand of the employee while on-duty.

#### **1044.3 TATTOOS**

While on-duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related or obscene language.

#### **1044.4 BODY PIERCING OR ALTERATION**

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Sheriff. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

# Uniform Regulations

## 1046.1 PURPOSE AND SCOPE

The uniform policy of the Spokane County Sheriff's Office is established to ensure that uniformed deputies will be readily identifiable to the public through the proper use and wearing of office uniforms. Employees should also refer to the following associated policies:

- Office-Owned and Personal Property
- Body Armor
- Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Sheriff or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Spokane County Sheriff's Office will follow applicable collective bargaining agreement with respect to provide uniform items and equipment. See attachment: [See attachment: UPDATE UNIFORM POLICY 6-24-2019.pdf](#)

## 1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this office shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the office's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official office functions or events.

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### *Uniform Regulations*

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- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the office uniform, including the uniform pants.
- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform-unless specifically authorized by the Sheriff or his/her designee.
  - 1. Wrist watch.
  - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
  - 3. Medical alert bracelet.

#### **1046.2.1 OFFICE-ISSUED IDENTIFICATION**

The Office issues each employee an official office identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their office-issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the office, employees shall display their office-issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

#### **1046.2.2 MOURNING BADGE**

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) A deputy of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer or deputy from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Sheriff.

#### **1046.3 CIVILIAN ATTIRE**

There are assignments within the Office that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

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- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
  - 1. T-shirt alone.
  - 2. Open toed sandals or thongs.
  - 3. Swimsuit, tube tops, or halter-tops.
  - 4. Spandex type pants or see-through clothing.
  - 5. Distasteful printed slogans, buttons or pins.
- (e) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Spokane County Sheriff's Office or the morale of the employees.

#### **1046.4 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Sheriff, Spokane County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a office badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Spokane County Sheriff's Office, to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast or any website.

#### **1046.5 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Office for the cost of providing the Office-issued item.

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- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
  - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
  - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (See the Office-Owned and Personal Property Policy).

### **1046.6 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Spokane County Sheriff's Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

Spokane County Sheriff's Office employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

# Nepotism and Conflicting Relationships

## 1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

### 1050.1.1 DEFINITIONS

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

## 1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department does not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.



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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
  2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
  - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
  - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
  - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender, or who engages in serious violations of state or federal laws.
    1. A convicted felon who has shown a change in behavior over a period of five years with no involvement in criminal activity is excluded.

#### 1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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### 1050.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations, whenever possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

# Domestic Violence Involving Law Enforcement Employees

## 1052.1 PURPOSE AND SCOPE

This policy establishes procedures, protocols and actions for investigating and reporting domestic violence involving employees of this and other law enforcement agencies. The intent of this policy is to ensure that law enforcement employees are held to the standards of the law regarding domestic violence (RCW 10.99.090).

### 1052.1.1 DEFINITIONS

**Agency** - Means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

**Employee** - Means any person currently employed with an agency.

**Sworn Employee** - Means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under RCW Chapter 36.28.

## 1052.2 OFFICE RESPONSIBILITIES

Spokane County Sheriff's Office has the following obligations (RCW 10.99.030 and 10.99.090):

- (a) Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence, child abuse allegations, or have been subject to protective order.
- (b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.
- (c) Provide education to Spokane County Sheriff's Office employees on the dynamics of interpersonal violence.
- (d) In response to observed behavior or at the request of the employee, the Spokane County Sheriff's Office may offer or recommend intervention services to employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.
- (e) Any employee who becomes aware of domestic violence committed by a sworn employee must immediately report that allegation to their supervisor.
- (f) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.
- (g) Provide information to employing law enforcement agencies within 24 hours of a domestic violence or domestic dispute report involving a sworn deputy.

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### *Domestic Violence Involving Law Enforcement Employees*

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- (h) Provide information on this domestic violence policy and programs under RCW 26.50.150 to employees and make it available to employee families and the public.
- (i) Provide victims of domestic violence by Spokane County Sheriff's Office employees a office point of contact to assist the victim through the investigative process. Consideration should be given to selecting a point of contact at least one rank higher than the perpetrator, and would ideally be someone other than the investigator.
- (j) Provide victims of domestic violence by Spokane County Sheriff's Office employees contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim's information.
- (k) Respond to Spokane County Sheriff's Office employees who are alleged victims of violence at the hands of sworn employees of the Spokane County Sheriff's Office. Safety concerns and domestic violence services information will be reviewed with the victim employee.
- (l) Provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by a sworn employee and appropriate sanctions when it is found that an employee has committed an act of domestic violence. Administrative investigations may be conducted by the Spokane County Sheriff's Office or through agreements with other law enforcement agencies
- (m) Consider whether to relieve a sworn employee of Office-issued weapons and suspend law enforcement powers pending resolution of an investigation.

#### 1052.2.1 SUPERVISOR RESPONSIBILITIES

Supervisors are required to:

- (a) Be aware of behaviors in their subordinates that could be indicative of domestic violence and properly process observations of such behavior.
- (b) Ensure that domestic violence incidents are properly recorded and processed according to this policy.

#### 1052.2.2 COMMAND DUTY OFFICER RESPONSIBILITIES

A command duty officer notified of an incident covered by this policy shall notify the Sheriff promptly of such incident and:

- (a) If an SCSO employee is involved they shall:
  - 1. Determine if the involved employee's law enforcement powers shall be suspended and if duty weapon, and other Office-owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.
  - 2. Issue an administrative order prohibiting contact with the victim if appropriate.

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### *Domestic Violence Involving Law Enforcement Employees*

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3. Forwarded information on the incident to the professional standards unit and/or the Sheriff for review and further action.
  4. Respond or designate a command officer to respond to a scene if the involved employee is a sergeant or above or if the situation dictates command presence.
- (b) If an employee of another law enforcement agency is involved they shall:
1. Verify command notification of the employing agency.
  2. Verify the supervisor has offered assistance with removing weapons, police powers, etc.
  3. Ensure that the Spokane County Sheriff's Office provides appropriate reports and any other requested documentation to the employing agency.

#### 1052.2.3 DOMESTIC VIOLENCE SPECIALIST RESPONSIBILITIES

- (a) In all instances of law enforcement domestic violence the Domestic Violence Specialist or DV Unit Supervisor shall:
1. Review the report and assign the criminal investigation or coordinate with the agency of jurisdiction.
  2. Coordinate with the appropriate prosecutor's office regarding charging and prosecution.
  3. Coordinate with the appropriate domestic violence advocacy organization to assist with victim safety concerns. Victim notification of each step of the administrative process is critical to victim safety.
- (b) All completed investigations of domestic violence that reveal probable cause of a crime committed by any agency sworn employees or the agency head shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.
- (c) For all situations involving an employee of this office, the Domestic Violence Specialist or DV Unit Supervisor shall:
1. Contact the victim.
  2. Introduce the point of contact.
  3. Provide an update regarding the administrative process.

#### 1052.3 EMPLOYEE ACTIONS

Law enforcement employees have the following obligations or entitlements (RCW 10.99.090):

- (a) Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains, or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist is critical.

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- (b) Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or the Office of Professional Standards as soon as possible, but no later than 24 hours. Failure to report may subject the employee to disciplinary action.
- (c) Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.
- (d) Employees should be alert to the likelihood of victim or witness intimidation and shall immediately take appropriate action. This action will include, but is not limited to the report to their supervisor or the Office of Professional Standards within 24 hours.
- (e) Employees are expected to fully cooperate with the investigation of allegations under this Policy but only as requested by a supervisor, the Office of Professional Standards or by court subpoena.
- (f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.
- (g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or an order of protection under RCW 26.50.020 et seq. or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to his/her supervisor. A written report must follow within 24 hours to include a copy of any order and any notices of court dates, appearances, and proceedings received by the employee.

#### **1052.4 INCIDENT RESPONSE**

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation and a complete written report by this office (RCW 10.99.030). These incidents additionally require:

- (a) On-scene supervisory presence.
- (b) Notification through the chain of command to the Sheriff of this office; and if the incident involves employees of another agency, notification of the agency head of the employing agency.
- (c) The Sheriff may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated the Domestic Violence Specialist or Domestic Violence Unit should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The point of contact or unit supervisor should review each referral for any potential conflict of interest

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- (d) In the event of a report of domestic violence alleged to have been committed by the Sheriff, prompt notification will be made to the employing entity's chief executive officer, or, in the case of an elected Sheriff, the County's Prosecutor.

#### 1052.4.1 RADIO RESPONSE

Employees of Combined Communication Center will ensure the following actions are taken:

- (a) Enter a call for service.
- (b) Notify the Shift Commander or appropriate supervisor. If no supervisor is available to respond to the scene, communications will notify an on-call supervisor or supervisor from another agency.
- (c) Prepare and preserve documentation of the facts of the call, including the 9-1-1 tape.

#### 1052.4.2 PATROL RESPONSE

A patrol deputy responding to an incident described as domestic violence involving a law enforcement officer should, whenever possible, request a supervisory response.

- (a) The primary unit will conduct a thorough investigation, including, but not limited to:
  - 1. Photographs of the crime scene and any injuries identified.
  - 2. Statements from all witnesses, including children, if any.
  - 3. The Domestic Violence Supplemental Report Form.
  - 4. Seizure of any weapons used or referred to in the crime.
  - 5. Signed medical releases.
  - 6. Copies of dispatch (CAD) records.
  - 7. 9-1-1 call recording preserved.
  - 8. Statement of the victim; statement of the suspect.
  - 9. Determine if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
  - 10. Complete the report as soon as possible, but prior to the completion of their shift.
- (b) Patrol units responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, etc. or other troubling event involving law enforcement officers will complete written reports of the incident.
- (c) A copy of all reports of the incident should be forwarded to the Domestic Violence Unit or Specialist. Access to the report should then be restricted to some form of "read only" version or physically secured.

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#### 1052.4.3 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

- (a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this office regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.
- (b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Spokane County Sheriff's Office involving any law enforcement officer.
- (c) Coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.
- (d) Write a report on all incidents, whether deemed criminal or not and route it through the chain of command.
- (e) In the event of the arrest of a sworn employee of the Spokane County Sheriff's Office, contact the Sheriff who will order the surrender of the deputy's Office-issued weapons and identification. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.
- (f) In the event of the arrest of a sworn employee of another agency, contact that agency prior to custody transport and request authorization to seize that employee's agency-issued weapons or arrange for the employing agency to obtain them.
- (g) Endeavor to make a good faith effort to locate the suspect if there is probable cause for an arrest.
- (h) Explain the process to the victim, including the opportunity for applicable emergency protection orders, administrative no-contact orders, and confidentiality statutes and policies.
- (i) Provide the victim with a copy of this policy and SCSO contact information, acting as the point of contact until another assignment is made.

#### 1052.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Spokane County Sheriff's Office will work with community resources and domestic violence advocacy agencies and shall make available to the victim (RCW 10.99.090):

- (a) Information on how to obtain protective orders and/or removal of weapons from his/her home.
- (b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.
- (c) A copy of this policy and any agency confidentiality policy.



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- (d) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.
- (e) Information related to relevant confidentiality policies related to the victim's information and public disclosure as provide by law.
- (f) The Spokane County Sheriff's Office will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

## Temporary Modified-Duty Assignments

### 1055.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Office to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

### 1055.2 POLICY

Subject to operational considerations, the Spokane County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Office with a productive employee during the temporary period.

### 1055.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Washington Law Against Discrimination shall be treated equally, without regard to any preference for a work-related injury.

No position in the Spokane County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Office. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments should generally not exceed a cumulative total of 1,040 hours in any one-year period.

### 1055.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the Office and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Civil Service or the Prosecuting Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Commander or Division Commander, with notice to the Sheriff.

#### **1055.5 ACCOUNTABILITY**

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate office operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

##### **1055.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include, but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

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### *Temporary Modified-Duty Assignments*

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#### **1055.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but are not limited to:

- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

#### **1055.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Office may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

#### **1055.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under RCW 43.10.005.

##### **1055.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

#### **1055.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

#### **1055.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees

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who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

# Employee Speech, Expression and Social Networking

## 1058.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1058.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

## 1058.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Spokane County Sheriff's Office will carefully balance the individual employee's rights against the Office's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1058.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Spokane County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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## *Employee Speech, Expression and Social Networking*

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- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

### **1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the office's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Spokane County Sheriff's Office or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Spokane County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Spokane County Sheriff's Office or its employees. Examples may include:
  1. Statements that indicate disregard for the law or the state or U.S. Constitution.
  2. Expression that demonstrates support for criminal activity.
  3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Office. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Spokane County Sheriff's Office.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Office for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee (RCW 9A.68.020).
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked

# Spokane County Sheriff's Office

## Spokane County SO Policy Manual

### *Employee Speech, Expression and Social Networking*

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vehicles, equipment or other material that specifically identifies the Spokane County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or office-owned, for personal purposes while on-duty, except in the following circumstances:
  - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
  - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Spokane County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Spokane County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Spokane County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).



# Spokane County Sheriff's Office

## Spokane County SO Policy Manual

### *Employee Speech, Expression and Social Networking*

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#### **1058.5 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any office technology system (see Technology Use Policy 342 and RCW49.44.200 for additional guidance).

#### **1058.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Office.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

#### **1058.7 OFFICIAL USE OF SOCIAL MEDIA**

The Spokane County Sheriff's Office endorses the official secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this department's position on the utility and management of social media and provides guidance on its management, administration, and oversight and should be used in conjunction with the Spokane County Sheriff's Office Community Outreach and Communication Plan. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

##### **1058.7.1 OFFICIAL USE SOCIAL MEDIA DEFINED**

Social media includes, but is not limited to, the following methods to disseminate information: blogs, micro blogs, wikis, social networking sites, multimedia sharing sites, bulletin boards, and any platform that allows for the creation of a public profile and direct, and unfiltered two-way communications with the public outside of the departments regular email system.

##### **1058.7.2 DEPARTMENT SANCTIONED PRESENCE**

All department social media sites or pages shall be approved by the Sheriff or designee and shall be administered by the Sheriff's representative using the following guidelines:

# Spokane County Sheriff's Office

## Spokane County SO Policy Manual

### *Employee Speech, Expression and Social Networking*

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- (a) Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the department's presence on the website, a link to the department's official website, clearly indicate they are maintained by the department, and have department contact information prominently displayed.
- (b) Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
  - 1. If possible, pages should clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.
  - 2. If possible, pages should clearly indicate that any content posted or submitted for posting is subject to public disclosure under RCW 42.56.

#### 1058.7.3 PERSONNEL REPRESENTING THE DEPARTMENT

Personnel representing the department via social media outlets shall do the following:

- (a) Conduct themselves at all times as representatives of the department and shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
- (b) Identify themselves as a member of the department.
- (c) Not make statements about guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without authorization from the Sheriff or designee.
- (d) Not conduct political activities or private business.
  - 1. Use of personally owned devices to manage the department's social media activities is prohibited without permission of the Sheriff or designee.
  - 2. Shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials.

#### 1058.7.4 SOCIAL MEDIA/PUBLIC RECORD

All information posted to social media sites is subject to State of Washington public records laws.

- (a) Content must be retained in native format for the minimum period required by state retention schedules.
- (b) If a site posting is a duplicate or secondary copy of a record that is already maintained, then the posting may be deleted any time after it has served its intended use.

# Spokane County Sheriff's Office

Spokane County SO Policy Manual

## *Employee Speech, Expression and Social Networking*

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- (c) The Spokane County Information Systems Department will be responsible to see that the social media records will be maintained consistent with Washington State public disclosure laws.

### **1058.8 TRAINING**

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

## Attachments

## **ENS\_Policy\_Procedure.pdf**

# SPOKANE COUNTY REGIONAL COMMUNITY EMERGENCY NOTIFICATION SYSTEM POLICY

## 1. PURPOSE AND SCOPE

The Emergency Notification System allows public safety officials to notify the community of situations that may impact life and safety. The Emergency Notification system can operate within defined (polygon) boundaries or countywide.

## 2. SYSTEM ADMINISTRATOR

The System Administrator shall be appointed by the Spokane County Emergency Services Communications Policy Board. The System Administrator is responsible for ensuring that the system is operational at all times.

## 3. INTERAGENCY COORDINATION

Activation of the ENS system requires interagency coordination and notification to all entities in the Combined Communications Building of the message.

## 4. AGENCY PARTICIPATION

Any public safety agency (police, Sheriff or fire department) is an authorized user of the system.  
(a) Water District may request activation for life safety issues that require a water boil.

## 5. AUTHORIZATION TO ACTIVATE

- (a) The Shift Commander/Incident Commander is responsible for authorizing activation of the ENS system. The Shift Commander/Incident Commander will contact their dispatch supervisor requesting activation.
- (b) It is the responsibility of the Activation Authority to ensure that the criteria for activation are met.

## 6. AUTHORIZED USES

### **WAC 480-120-452**

Reverse search by enhanced 9-1-1 (E911) public safety answering point (PSAP) or ALI/DMS data base – when permitted.

- i. A public safety answering point (PSAP) may make a reverse search of information in the automatic location identification (ALI/DMS) data base when, in the judgment of the PSAP representative, an immediate response to the locations of the caller or to the location of another telephone number reported by the caller is necessary because of an apparent emergency.
- ii. Absent a judicial order, reverse search must not be used for criminal or legal investigations or other nonemergency purposes.

(a) Informing the public of a “need to know” credible threat.

(b) The system use shall be limited to events or situations that directly affect the lives and safety of citizens within the affected area.

## 7. SYSTEM TESTING

The system shall be tested a minimum of two times per year.

# SPOKANE COUNTY REGIONAL COMMUNITY EMERGENCY NOTIFICATION SYSTEM

## ALERT SPOKANE

### POLICY

#### 1. PURPOSE AND SCOPE

The Emergency Notification System allows public safety officials to notify the community of situations that may impact life and safety.

#### 2. CONTACT NUMBERS MAINTAINED IN THE ALERT SPOKANE DATABASE

- a. Obtained from the QWEST 911 Database
  - i. Updates shall be obtained by Twenty First Century quarterly from QWEST
  - ii. No single line telephone numbers (such as a personal landline) may be removed from the database.
  - iii. Numbers associated with a Private Branch Exchange (PBX) may be removed upon request and with approval of the System Administrator. However, each PBX must retain at least 1 number that will receive an Alert Spokane message.
    - 1. Twenty First Century will be responsible for removing PBX numbers from the database as requested by the System Administrator.

**SUBJECT: Emergency Notification System (ENS) A telephone notification system.**

**DISTRIBUTION:** All commissioned and Dispatch personnel

**PURPOSE:**

The ENS is a computer device that provides a means to be in contact with the community by sending prerecorded messages to residents and/or businesses by telephone and e-mail within a certain geographic area or by pre-defined lists, if their information is contained in the database.

The ENS system is only available to the residents and businesses within Spokane County.

The system is to be used as a supplementary emergency communications tool and will be used to assist with informing citizens in the County of Spokane of major public safety incidents or events.

**PROCEDURE:**

The system provides the ability to send hundreds of calls in a short amount of time, retry unanswered calls and track information and feedback.

All outbound recorded messages should be brief and to the point. An ideal message would be 30 to 60 seconds.

All outbound messages should begin with "This is the (whatever agency, Spokane Police Department, Valley Fire, etc.) with a recorded emergency message." All ENS messages are logged by the system for future reference.

Sheriff Office Dispatchers are the only authorized senders of a message through the ENS System. All ENS messages and those with the authority to authorize the messages to be sent out will communicate with Sheriff's Dispatch by use of the authorized form or que sent by email as well as a telephone call.

Once the form and authorization has been received by the Sheriff's Dispatcher, they will use the ENS system to send the message requested via ENS .

There may be times that the authorizing agent may want the dispatchers to record/type the message for them. This will be done, however the authorizing agent must provide, in writing, what is to be said on the recording. It is also the authorizing agent's responsibility to provide those areas/location's he/she wants to receive the message.

**AUTHORIZATION:**



The authorization for the use of the system must be given by a Sheriff's Lieutenant or above for Sheriff Office events. Other authorizing agents are listed in the Policy. Fire Commanders, WSP Commander etc. They must provide their rank, department and phone number. The Sheriff's Dispatch Supervisor or Acting Supervisor will have the authority to determine validity of the requesting agent and when satisfied, activate the system on behalf of other authorized agencies without direction from the Sheriff's Commanders.

The system use should be limited to events or situations that directly affect the lives and safety of citizens within the area called. Events such as chemical or biological events, road closures, evacuation or shelter in place, School lock downs, Amber alerts, and disaster either natural or manmade of any kind, terrorist events, fires or any other emergent public safety notifications.

Instructions for the construction on the outbound message are found in the ENS Policy manual and communications center supervisors can help as well. PIO's can also be a good resource on scene.

# SPOKANE COUNTY REGIONAL COMMUNITY EMERGENCY NOTIFICATION SYSTEM COUNTYWIDE PROCEDURE

## 1. PURPOSE AND SCOPE

To provide general procedure for the activation of the Emergency Notification System. Each public safety agency is required to develop their own policy and procedure. Each agency will also have a single point of contact who will manage records and testing for their department.

## 2. AGENCY PARTICIPATION

Any public safety agency (police, Sheriff or fire department) is an authorized user of the system.

- (a) Water Departments & Water Districts are authorized to utilize the system for communication regarding contaminants and “boil orders” that pose a life safety issue. Examples are E.Coli or Coliform contamination.

## 3. ACTIVATION

- (a) The Shift Commander/Incident Commander is responsible for authorizing activation of the ENS system. The Shift Commander/Incident Commander will contact their dispatch supervisor requesting activation.

- a. The dispatch supervisor will complete the activation authorization form and notify all agencies in the CCB of activation, as well as any bordering jurisdictions such as Cheney, Post Falls & WSP.

- b. Sheriff’s Communications Supervisor shall be responsible for the activation of the ENS and accompanying EAS message. Spokane Police Communications Supervisor shall provide backup support as needed.

- i. EAS message will duplicate the ENS message

- (b) Water Districts shall contact the law enforcement dispatch supervisor for activation of the system.

- (c) Records Retention: activation authorization forms are distributed as follows:

- a. Original is kept by the agency
  - b. Copy is sent to the System Administrator

## 4. EMERGENCY UPDATES AND NOTIFICATION OF END OF EMERGENCY

- (a) As appropriate the PIO or shift commander may consider adding updated information to the ALERT Spokane blog.

## 4. SYSTEM TESTING

The system shall be tested a minimum of two times per year. The System Administrator will work through the PIO group to ensure the public is notified of the test and the action, if any, they should take.

# SPOKANE COUNTY REGIONAL COMMUNITY EMERGENCY NOTIFICATION SYSTEM POLICY

## 1) PURPOSE AND SCOPE

- i) A blog has been developed for ALERT Spokane (Emergency Notification System) that allows public safety officials or the agency PIO to update the community regarding the activation of the system.

## 2) AUTHORIZED USERS

- a) The designated Public Information Officer (s) for a Public Safety Agency (Law Enforcement or Fire departments)
- b) The Incident Commander requesting the DEM Duty Officer update the blog. The Incident Commander must provide the DEM Duty Officer with the appropriate information for the blog.

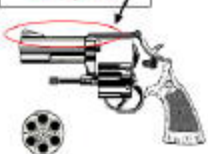
## 3) ACCESSING THE BLOG

- a) A blog entry will be completed at the initial activation.
- b) The blog will be updated anytime a media release is provided regarding the situation.
  - i) The blog address may be an addition to media e-mail groups, any press release would appear on the blog.
- c) A blog entry will be completed when the situation is resolved.

Approved 08/31/2010

## Firearm Safety Tie.jpg

Safety Tie



Safety Tie



Safety Tie



Safety Tie



## **DAPS and DIAS Click to Agree Terms and Conditions.pdf**

**DV\_Lethality\_Assessment\_Program  
Revised 09.21.17.pdf**

# **DOMESTIC VIOLENCE LETHALITY ASSESSMENT PROGRAM**

## **FIELD MANUAL**

### **I) PURPOSE AND SCOPE**

The Lethality Assessment Program (LAP) is a two-pronged intervention process that features a research-based lethality screening tool and an accompanying protocol referral that provides direction for law enforcement, domestic violence advocates, and others to initiate appropriate action based on the results of the screening process.

#### **Responding to High Danger Situations**

The LAP protocol seeks to establish a means for Law Enforcement to identify and assess potential and/or increasing violent or lethal situations and to offer choices that seek to account for the safety of the victim and her/his children. This process is called “Lethality Assessment.”

The process begins when a deputy/officer arrives at the scene of a domestic violence call that involves current or former Intimate Partners. The deputy/officer will assess the situation and determine if the LAP assessment needs to be completed. If the deputy/officer determines that a LAP assessment should be conducted, the deputy/officer will ask the victim to answer a series of eleven questions from the Lethality Assessment Screening Tool (LAP Blue Card). The deputy/officer will then determine if the victim has “screened in” or not based on the victim’s answers to the questions or based on the deputy/officer’s belief.

### **II) WHEN TO INITIATE THE LETHALITY ASSESSMENT**

**Criteria.** The law enforcement officer shall initiate a lethality assessment when he/she responds to a domestic situation where the involved persons are Intimate Partners (currently or formerly dated, spouse or ex-spouse, have children in common) AND

1) There is reason to believe that there has been an assault or threats to cause harm, or an act that constitutes Domestic Violence to Reckless Endangerment, Harassment, Burglary, Criminal Trespass, Kidnapping, Unlawful Imprisonment, DVOPV with Threats or Harassment, Drive-by Shooting, Rape, Stalking, Interference with reporting of domestic violence whether or not there is probable cause to make an arrest: OR

2) There is a belief on the part of the law enforcement officer that once the victim is no longer in the care or presence of the deputy/officer the potential for assault or danger is high; OR

3) Names of parties or location are repeat names or locations; OR



4) The first responder believes, based on their training and experience that one should be conducted.

### **III) ASSESSMENT PROCEDURES**

#### **Ask All the Questions:**

If time permits, law enforcement officers should ask all the questions on the Lethality Assessment, even if the victim responds positively to Questions 1 through 3. The more questions to which the victim responds positively, the clearer it is that the victim is in danger.

#### **Assessing the Responses:**

1) After the deputy/officer asks the questions on the Lethality Assessment, he/she will handle the information as follows:

(a) **If Victim Answers Yes to Questions 1, 2, or 3;** a “yes” or positive response by the victim to any of Questions 1, 2, or 3 reflects a high danger situation and automatically triggers the protocol referral process and is referred to as having “Screened In.” .

(b) **If Victim Answers Yes to Four of Questions 4-11;** if the victim gives negative responses to Questions 1-3, but positive responses to at least four of Questions 4-11, this also reflects a high danger situation and automatically triggers the protocol referral process and is referred to as having “Screened In.”

(c) **If Victim Does Not “Screen In”** because he/she gave negative responses to all three of Questions 1-3 or given positive responses to no more than three of Questions 4-11 of the Lethality Assessment questions, the deputy/officer may still trigger the protocol referral if the deputy/officer believes, based on his/her training and experience that conducting the LAP is appropriate.

#### **Protocol Referral Not Triggered:**

1) If the protocol referral is not triggered or the victim does not complete the lethality screen, the law enforcement officer will:

(a) Complete the investigation and document in the police report that a LAP assessment was conducted and include the results.

(b) Turn in the LAP assessment card or form with the police report

#### **High Danger Assessment:**

#### **Implementation of the Protocol Referral by Law Enforcement**

If a high danger assessment is made and the victim “Screens In” or the deputy/officer believes it is appropriate, the deputy/officer will implement a protocol referral as follows:

1) Advise of Assessment. Advise the victim that the deputy/officer has conducted an assessment of the victim's situation and it has shown that the victim is at an increased level of danger, and that people in the victim's situation have been killed.

2) Request by Law Enforcement to Call Hotline. The deputy/officer will then tell the victim that he/she is calling the domestic violence hotline to have the victim speak with a Domestic Violence Advocate.

3) If the victim agrees to speak with the advocate, the deputy/officer will call the domestic violence hotline and advise the advocate that he/she has conducted a LAP Screen and made a high danger assessment, or believes that the victim is in danger, and would like the advocate to speak with the victim.

4) After the victim has spoken with the advocate, the advocate will ask the victim to put the deputy/officer back on the phone to speak with the advocate about the situation.

5) If the victim initially declines to speak with the DV Hotline Advocate, the law enforcement officer will:

(a) Tell the victim that the deputy/officer will contact the domestic violence hotline to inform them of the assessment results and ask the victim to reconsider speaking with the DV Hotline Advocate; and

(b) After the deputy/officer concludes the conversation with the DV Hotline Advocate, ask the victim if she/he has reconsidered and would now like to speak with the advocate.

6) If the victim continues to decline to speak with the DV Hotline Advocate, the law enforcement officer will:

(a) Reiterate his/her assessment that the victim is in a dangerous situation;

(b) Inform the victim to watch for the signs listed in the assessment because they may convey to the victim that he/she is at an increased level of danger;

(c) Strongly encourage the victim to call the domestic violence service provider and provide the referral information.

#### **IV) ASSESSMENT GOALS**

Accordingly, the goals of this protocol are to:

1) Reduce the danger level for victims;

2) Reduce the number of domestic-related fatalities;

3) Establish greater awareness amongst law enforcement and domestic violence service professionals of the increased danger and lethality;

4) Establish greater consideration among law enforcement and domestic violence service professionals of proactive interventions available to them;

5) Educate domestic violence victims, law enforcement and domestic violence service professionals;

6) Enhance cooperation, communication, and coordination among law enforcement and domestic violence service professionals.

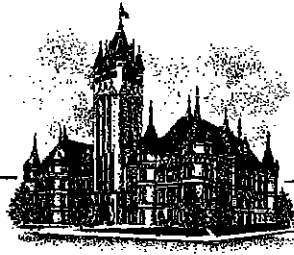
## **Spokane County Child Abuse Investigation Protocol.pdf**

## **Access\_Manual.pdf**

## **County\_Disclosure\_Mandate\_Procedure.pdf**

Goodwin

S P O K A N E



C O U N T Y

STEVEN J. TUCKER  
PROSECUTING ATTORNEY

OFFICE OF PROSECUTING ATTORNEY

County-City Public Safety Building  
1100 W. Mallon Avenue  
Spokane, WA 99260-0270  
(509) 477-3662 FAX: 477-3409

November 14, 2012

Spokane Police Chief, Frank Straub  
Liberty Lake Police Chief, Brian Asmus  
Cheney Police Chief, John Hensley  
Spokane Valley Police Chief, Rick VanLeuven  
Airway Heights Police Chief, Lee Bennett  
✓ Spokane County Sheriff, Ozzie Knezovich  
WSP District Commander, Jeff Otis  
WSP Crime Lab Supervisor, Lorraine Heath

Re: Updated Potential Impeachment Disclosure policy

Dear Fellow Law Enforcement Officials

Please find enclosed the updated Potential Impeachment Disclosure policy which replaces our previously issued policy in March of 2012.

If you have any questions or concerns, contact Jack Driscoll at 477-3662.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven J. Tucker", written over a horizontal line.

STEVEN J. TUCKER  
Spokane County Prosecuting Attorney

SJT:jtb

Enclosures



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Civil Department  
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Spokane, WA 99260-0270  
(509) 477-5764 FAX: 477-3672



Family Law Department  
Public Works Building, 1st Floor  
1026 W. Broadway Avenue  
Spokane, WA 99260-0271  
(509) 477-2486 FAX: 477-3410



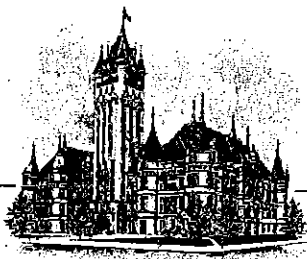
Drug/Property Department  
721 N. Jefferson  
Spokane, WA 99260-0270  
(509) 477-6416 FAX: 477-6450



Juvenile Department  
1208 W. Mallon Avenue  
Spokane, WA 99260-0270  
(509) 477-6046 FAX: 477-6444



S P O K A N E



C O U N T Y

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TO: Spokane Police Chief, Frank Straub  
Liberty Lake Police Chief, Brian Asmus  
Cheney Police Chief, John Hensley  
Spokane Valley Police Chief, Rick VanLeuven  
Airway Heights Police Chief, Lee Bennett  
Spokane County Sheriff, Ozzie Knezovich  
WSP District Commander, Jeff Otis  
WSP Crime Lab Supervisor, Lorraine Heath

FROM: Steve Tucker  
Spokane County Prosecuting Attorney

DATE: November 14, 2012

RE: Potential Impeachment Disclosure Guidelines ("PID Guidelines")

I. BACKGROUND

Prosecutors are subject to two different requirements for disclosure of potentially exculpatory information. A constitutional Due Process requirement for such disclosure is set out in Brady v. Maryland, 373 U.W. 83 S. Ct. 1194, 10 L.Ed.2d 215 (1983). This requirement has been explained and modified by several subsequent cases. The Due Process requirement applies to all information in the hands of governmental agencies. Prosecutors have "a duty to learn of any [exculpatory] information known to the others acting on the government's behalf in the case, including the police." Kyles v. Whitely, 514 U.S. 419, 437, 115 S. Ct. 1555, 131 L. Ed. 2d 490 (1995). Failure to comply with these requirements can lead to reversal, and possibly even dismissal of criminal convictions.

Independent of this requirement, prosecutors are required by CrR 4.7(a)(3) to "disclose any material or information within the prosecuting attorney's knowledge which tends to negate defendant's guilt as to the offense charged." This obligation is "limited to material and information within the knowledge, possession or control of members of the prosecuting attorney's staff." CrR 4.7(a)(4). Once, however, information is provided to the prosecutor's office by law enforcement agencies, that material becomes subject to disclosure under CrR 4.7(a)(3). A nearly identical, concurrent duty to disclose such information is also placed upon prosecutors by the Rules of Professional Conduct. RPC 3.8(d).

Both the requirements of Due Process and those of CrR 4.7 and RPC 3.8 apply to evidence that could be used to impeach witnesses. Under the Due Process Clause, the evidence must be



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"material" – that is, there must be "a reasonable probability that the suppressed evidence would have produced a different verdict." Strickler v. Greene, 527 U.S. 263, 281, 119 S. Ct. 1936, 144 L. Ed. 2d (1999).

In contrast, CrR 4.7 and RPC 3.8 requires disclosure of evidence that "tends to negate defendant's guilt," whether or not it is "material" under that definition.

## II. GUIDELINES

1. As required by Brady, this office requests law enforcement agencies to inform it of information that could be considered exculpatory to criminal defendants. For purposes of disclosure, this office must determine whether the information is exculpatory and material and how and when to make that information available at pending and future trials. It is a constitutional obligation that rests singularly with the prosecutor and cannot be delegated to any other agency.
2. As required by CrR 4.7 and RPC 3.8, this office will disclose to defense attorneys information that tends to negate the defendant's guilt. These requirements extend to any information that a reasonable person, knowing all relevant circumstances, could view as significantly impairing the credibility of an officer that will or may testify in a particular criminal proceeding. It also includes any evidence of criminal convictions that may be admissible under Evidence Rule 609. It does not require disclosure of preliminary, challenged or speculative information. U. S. v. Agurs, 427 U. S. 97, 109 n. 16, 96 S. Ct. 2392, 49 L. Ed. 2d 342 (1976). This test will be referred to as the "Potential Impeachment Disclosure Standard" or "PID Standard."
3. The PID Standard depends on what a reasonable person could believe, not on what this office or a law enforcement agency does believe. Consequently, disclosure may be required in cases where this office and/or the law enforcement agency believe that no misconduct occurred, if a reasonable person could draw a different conclusion. If this office concludes that an officer is subject to PID, which does not reflect a conclusion that the officer committed misconduct, or that the officer is not credible as a witness.
4. The PID Standard requires consideration of all relevant circumstances. Because this office is not an investigatory agency, it lacks the ability to ascertain those circumstances. Consequently, this office relies on law enforcement agencies to conduct investigations into allegations of officer misconduct, and to advise this office of the results of those investigations.
5. In relying on law enforcement agencies to conduct investigations into allegations of officer misconduct, this office acknowledges and respects the internal investigation ("IA") standards followed by law enforcement agencies. The IA process allows for thorough investigation of misconduct allegations and affords officers due process. This office neither seeks to expand nor replace that process or those rights. Accordingly, this office will typically base its PID Determination solely upon the record developed during the IA process. The terminology "officer" shall include not only commissioned personnel but also non commissioned personnel employed by the law enforcement agencies.

6. The PID Standard is likely to be satisfied by reliable information that an officer was dishonest in connection with the performance of official duties. It is less likely to be satisfied by dishonesty in connection with an officer's private affairs. Under unusual circumstances, information about private acts might be subject to review if the acts could be admissible under ER 608(b) as evidence of untruthfulness.

### III. PROCESS

1. The Prosecuting Attorney or Chief Criminal Deputy will designate a deputy prosecuting attorney to act as PID Deputy. The PID Deputy is the contact point for all information relating to PID determinations. Currently, Jack Driscoll, Chief Criminal Deputy, will serve in the capacity as PID Deputy.

2. Any law enforcement agency that receives information concerning alleged misconduct relating to truthfulness, bias, or other behavior that could be exculpatory to criminal defendants, and involves an officer engaged in Spokane County criminal cases, is requested to investigate or arrange for the investigation of those allegations. Any law enforcement agency that employs individuals who routinely perform expert witness services in Spokane County are additionally asked to investigate patterns of confirmed performance errors committed by those individuals, where those errors could compromise an expert witness's opinions.

3. An agency investigating a matter that could be the subject of a PID determination is also asked to immediately notify the PID Deputy of the pending investigation to allow this office to flag the possible PID issue on any pending cases involving the affected officer or agency employee. A form has been appended as Attachment A to help you with this process.

4. On completion of the investigation, the agency is requested to provide the PID Deputy with all relevant information. The agency shall include any written response provided by the affected officer/employee to the PID Deputy along with the other relevant information. This should be done whether or not the agency determines that the allegations were well founded. The PID Deputy shall provide the affected officer/employee notification in writing of their opportunity to respond to the information disclosed by the agency prior to determining if the information is potential impeachment disclosure information.

5. If this office obtains information about alleged misconduct by a law enforcement officer or agency expert witness that has not been fully investigated, it will ask the officer's agency to conduct an investigation. This may occur where, for example, an officer or expert witness employee has resigned from his/her agency in lieu of termination.

6. Ordinarily, this office will defer a PID determination until after the investigation has been completed. If, however, the investigation is unduly protracted, it may become necessary for this office to make a preliminary determination without awaiting the results of the investigation. Other circumstances may, at the discretion of the PID Deputy, warrant an earlier review.

7. Upon receiving notice of the completed investigation, including sustained findings, if any, the PID Deputy or his or her designee will review the information to determine whether it satisfies the PID Standard. The PID Deputy may request further additional information from the affected officer/employee.

8. The PID Deputy will notify the agency and the officer/employee whether or not the information satisfies the PID Standard.

9. If the PID Deputy determines that disclosure is required, notice of the determination shall be provided to the defense in all pending or future cases in which the officer/employee is a potential witness. If appropriate, this office will seek protective orders covering such information.

10. If it is uncertain whether or not the information meets the PID standard, the information will be submitted to the court for an *in camera* inspection in a case in which the officer or expert witness is a listed witness.

11. The PID Deputy will maintain a log of the information that he or she reviewed in making the determination and a copy of the law enforcement agency's final IA determination, if any. Original documents will be returned to the law enforcement agency.

12. Ten years after a determination to disclose information, and every five years thereafter, the PID deputy will review the officer/employee's matter to determine whether the PID standard is still satisfied. This determination will consider, among other factors, whether the information has been used to impeach the officer/expert witness and, if so, whether that impeachment had any apparent effect on fact-finders' determination of the officer's/expert witness's credibility.

13. These guidelines are intended for the guidance of the Spokane County Prosecuting Attorney's Office and law enforcement agencies. It may be modified or abrogated by the Prosecuting Attorney at any time. Exceptions may also be authorized by the Prosecutor or his designee. These guidelines do not confer legal rights on any individual or entity.

cc: Jack Driscoll, Chief Criminal Deputy

## MEMORANDUM

TO:

FROM:

DATE:

RE:

This agency has learned of a Potential Impeachment Disclosure matter regarding the above-named officer/expert witness employee.

Briefly, the alleged conduct relates to:

- ☐ Truthfulness
- ☐ Bias
- ☐ Criminal conviction history
- ☐ Recurring performance deficiencies (for expert witness employees only)

The agency has/will notify you when we have completed our internal review of this matter.

**Potential Impeachment Disclosure (PID) Review Log**

Individual Involved:

Officer:

Department:

Date Received:

From:

---

Review Process:

Reports by:

Witness Statements:

Evidence described:

Photos or recordings of:

Other items reviewed:

Witnesses interviewed:

P.I.D. officer interview \_\_\_\_\_

Persons present \_\_\_\_\_

Other steps taken \_\_\_\_\_

**Brief Summary of Information obtained from Reports and Interviews:**

Decision:

Decision \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Decision discussed with \_\_\_\_\_

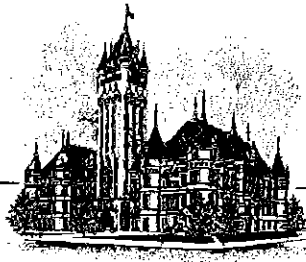
Reason for Decision to disclose/not disclose information: \_\_\_\_\_  
\_\_\_\_\_

Disclosure memo attached \_\_\_\_\_ Yes \_\_\_\_\_ No

Reports and all other items returned to law enforcement agency:

\_\_\_\_\_ Yes      Date Returned: \_\_\_\_\_

S P O K A N E



C O U N T Y

STEVEN J. TUCKER  
PROSECUTING ATTORNEY

OFFICE OF PROSECUTING ATTORNEY

County-City Public Safety Building  
1100 W. Mallon Avenue  
Spokane, WA 99260-0270  
(509) 477-3662 FAX: 477-3409

### MEMORANDUM

TO: (LE Agency Head)  
FROM: Steve Tucker, Spokane County Prosecuting Attorney  
DATE: ^  
RE: Potential Impeachment Disclosure Determination re Officer \_\_\_\_\_

I have completed my review of the Potential Impeachment Disclosure ("PID") matter relating to Officer \_\_\_\_\_. This memo sets forth the information I reviewed, the standard applied, and my conclusions.

#### Information Reviewed

I received a referral from your Department on \_\_\_\_\_. In the course of my evaluation of the PID matter, I reviewed the following documents and interviewed the following individuals:

(Log of Materials)

#### Standard Applied

As you know, prosecutors have two separate requirements for disclosing potential impeachment materials. The first is under the Due Process clause of the U. S. Constitution; the second is under court rule CrR 4.7. Under the Due Process Clause, the disclosed evidence must be "material"; that is, there must be "a reasonable probability that the suppressed evidence would have produced a different verdict." Strickler v. Greene, 527 U. S. 263, 281, 119 S. Ct. 1936, 144 L. Ed. 2d 286 (1999). In contrast, CrR 4.7 requires disclosure of evidence that "tends to negate defendant's guilt," whether or not it is "material" under the Due Process definition.

Because of the volume of cases we manage annually in this office, the Spokane County Prosecuting Attorney's Office has established a protocol for reviewing and issuing a PID Determination in any case where a disclosure may be necessary under either of the above-referenced standards. It is pursuant to this protocol that we have reviewed Officer \_\_\_\_\_'s matter.



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Spokane, WA 99260-0270  
(509) 477-3662 FAX: 477-3409



Civil Department  
1115 W. Broadway  
Spokane, WA 99260-0270  
(509) 477-5764 FAX: 477-3672



Family Law Department  
Public Works Building, 1<sup>st</sup> Floor  
1026 W. Broadway Avenue  
Spokane, WA 99260-0271  
(509) 477-2486 FAX: 477-3410



Drug/Property Department  
721 N. Jefferson  
Spokane, WA 99260-0270  
(509) 477-6416 FAX: 477-6450



Juvenile Department  
1208 W. Mallon Avenue  
Spokane, WA 99260-0270  
(509) 477-6046 FAX: 477-6444



Memorandum

^

Page 2

Decision

I believe that a reasonable person (could/could not) conclude that Officer \_\_\_\_\_ was dishonest in the performance of his/her duties and that a PID Disclosure is necessary.

This decision is based upon the following facts:

1. (Facts)

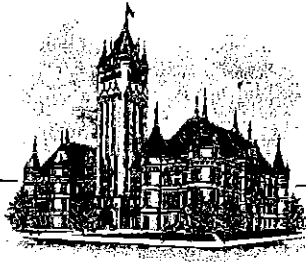
Summary

The foregoing, if heard by a reasonable person (such as a judge or a juror), could/could not lead that person to conclude that Officer \_\_\_\_\_ was dishonest in the performance of his/her official duties.

[delete the first 2 sentences if a PID Notice is not being issued] A notice that summarizes this memorandum should be generated whenever Officer \_\_\_\_\_'s name appears on a witness list. A copy of that notice is enclosed with this correspondence. Finally the materials provided to me by your agency are being returned to you with this letter.

cc: Officer \_\_\_\_\_

S P O K A N E



C O U N T Y

STEVEN J. TUCKER  
PROSECUTING ATTORNEY

OFFICE OF PROSECUTING ATTORNEY

County-City Public Safety Building  
1100 W. Mallon Avenue  
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(509) 477-3662 FAX: 477-3409

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**POTENTIAL IMPEACHMENT DISCLOSURE NOTICE**

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TO: (Attorney for Defendant)  
FROM: Steve Tucker, Spokane County Prosecuting Attorney  
DATE:  
RE: Potential Impeachment Disclosure Pertaining to Officer \_\_\_\_\_

On \_\_\_\_\_, this office made a determination that certain information, if heard by a reasonable person (such as a judge or a juror), could lead that person to conclude that \_\_\_\_\_ was dishonest in the performance of his/her official duties, specifically in (give details on alleged actions)

Succinctly, the facts that could lead to this conclusion are as follows:

This memorandum has been generated to provide the defense notice of this potential impeachment issue.



Criminal Department  
1100 W. Mallon Avenue  
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## **UPDATE UNIFORM POLICY 6-24-2019.pdf**

**SCSO UNIFORM POLICY.23.April.19.pdf**

## **COMPLAINT-WITNESSForm.pdf**



## **UseOfSecureInformationAttachment.pdf**

# Spokane County Sheriff's Office

## Policy Manual

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## Use of Secure Information

### 215.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use, misuse, protection of and the retention of information gained through outside secure sources.

### 215.2 PHYSICAL PROTECTION OF INFORMATION

All physical, logical, and electronic access must be properly documented, authorized and controlled on devices that store, process, or transmit unencrypted CJI. This Physical Protection Policy focuses on the appropriate access control methods needed to protect the full lifecycle of CJI from insider and outsider threats.

The Physical Protection Policy was developed during the FBI's CJIS Security Policy 5.1. dated July 13, 2012. The intended target audience is Spokane County Sheriff's Office personnel, support personnel, and private contractor/vendors with access to CJI whether logically or physically.

#### 215.2.1 PHYSICALLY SECURE LOCATION

A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Security perimeters shall be defined, controlled, and secured. Restricted non-public area in the Spokane County Sheriff's Office shall be identified with a sign at the entrance.

#### 215.2.2 VISITOR ACCESS

A visitor is defined as a person who visits the Spokane County Sheriff's Office facility on a temporary basis who is not employed by the SCSO and has not unescorted access to the physically secure location within the facility.

Visitors shall:

1. Check in before entering a physically secure location by:
  - a. Present SCSO personnel a valid form of photo identification
  - b. Complete the visitor access log, which includes:
    - i. Name and visitor's agency, purpose of the visit, date of the visit, time of arrival and departure, name and agency of the person visited, and form of identification used to authenticate visitor.
  - c. Document badge number on visitor log if visitor badge is issued. Visitor's badge shall be worn on approved visitor's outer clothing and collected at the end of the visit.
2. Be accompanied by a Spokane County Sheriff's Office escort at all times to include delivery or service personnel. An escort is defined as authorized personnel who accompanies a visitor at all times while within a physically security location to ensure the protection and integrity of the physically secure location and any CJI therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.



3. Follow SCSO policy for authorized unescorted access.
  - a. Noncriminal Justice Agency (NCJA) like city or county IT who require frequent unescorted access to restricted areas(s) will be required to establish a Management Control Agreement between Spokane County Sheriff's Office and NCJA. Each NCJA employee with CJI access will appropriately have state and national fingerprint- based record background check prior to this restricted area access being granted.
  - b. Private contractors/vendors who require frequent unescorted access to restricted areas will be required to establish a Security Addendum between SCSO and each private contractor personnel. Each private contractor personnel will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.
4. Not be allowed to view screen information mitigating shoulder surfing.
5. Individuals not having any legitimate business in a restricted area shall be courteously escorted to a public area of the facility. Strangers in physically secure area without an escort should be challenged. If resistance or behavior of a threatening or suspicious nature is encountered, uniformed personnel shall be notified.
6. Not be allowed to sponsor another visitor.
7. Not enter into a secure area with electronic devices unless approved by the SCSO Information Technology point of contact to include cameras and mobile devices. Photographs are not allowed without permission of the SCSO personnel.
8. All requests by groups for tours of the Spokane County Sheriff's Office facility will be referred to the proper agency point of contact for scheduling.

### **215.2.3 AUTHORIZED PHYSICAL ACCESS**

Only authorized personnel will have access to physically secure non-public locations. Spokane County Sheriff's Office will maintain and keep a current list of authorized personnel. All physical access points into the agency's secure area will be authorized before granting access. The agency will implement access controls and monitoring of physically secure area for protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

All personnel with CJI physical and logical access must:

1. Meet the minimum personnel screening requirements prior to CJI access.
  - a. To verify identification, a state of residency and national fingerprint-based record checks shall be conducted within 30 days of assignment for all personnel who have direct access to CJI and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI.
  - b. Support personnel, private contractors/vendors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a state and national fingerprint-based record check unless these individuals are escorted by authorized personnel at all times.
  - c. Prior to granting access to CJI, the Spokane County Sheriff's Office on whose behalf the contractor is retained shall verify identification via a state of residency and national fingerprint-based record check.
  - d. Refer to the CJIS Security Policy for handling cases of felony convictions, criminal records, arrest histories, etc.
2. Complete Security Awareness Training

- a. All authorized Spokane County Sheriff's Office, Noncriminal Justice Agencies (NCJA) like city or county IT and private contractor/vendor personnel will receive "Security Awareness Training" within six months of being granted duties that require CJI access and every two years thereafter. The training logs will be maintained at the local agency level and be available for review by auditors during the triennial audit.
  - b. Security Awareness Training will cover areas specified in the CJIS Security Policy at a minimum.
3. Be aware of who is in their secure area before accessing confidential data.
  - a. Take appropriate action to protect all confidential data.
  - b. Protect all terminal monitors with viewable CJI displayed on monitor and not allow viewing by the public or escorted visitors.
4. Properly protect and not share any individually issued keys, proximity cards, computer account passwords, etc.
  - a. Report loss of issued keys, proximity cards, etc to authorized agency personnel.
  - b. If the loss occurs after normal business hours, or on weekends or holidays, personnel are to the Spokane County Sheriff's Office POC to have authorized credentials like a proximity card de-activated and/or door locks possibly rekeyed.
  - c. Safeguard and not share passwords, Personal Identification Numbers (PIN), Security Tokens, and all other facility and computer systems security access procedures. (See Disciplinary Policy)
5. Properly protect from viruses, worms, Trojan horses, and other malicious cod
6. Web usage – allowed versus prohibited; monitoring of user activity. (allowed versus prohibited is at the agency's discretion)
7. Do not use personally owned devices on the Spokane County Sheriff's Office computers with CJI access.
8. Use of electronic media is allowed only by authorized SCSO personnel. Controls shall be in place to protect electronic media and printouts containing CJI while in transport. When CJI is physically moved from a secure location to a non-secure location, appropriate controls will prevent data compromise and/or unauthorized access.
9. Encrypt emails when electronic mail is allowed to transmit CJI-related data as such in the case of Information Exchange Agreement.
  - a. If CJI is transmitted by email, the email must be encrypted and email recipient must be authorized to receive and view CJI.
10. Report any physical security incidents to the Spokane County Sheriff's Office Information Technology Point of Contact to include facility access violations, loss of CJI, loss o laptops, Blackberries, thumb drives, CDs/DVDs and printouts containing CJI.
11. Properly release hard copy printouts of CJI only to authorized vetted and authorized personnel in a secure envelope and shred or burn hard copy printouts when no longer needed. Information should be shared on a "need to know" basis.
12. Ensure data centers with CJI are physically and logically secure.
13. Keep appropriate SCSO security personnel informed when CJI access is no longer needed. In the event of ended employment, the individual must surrender all property and access managed by the local agency, state and/or federal agencies.
14. Ensure perimeter security door securely locks after entry or departure. Do not leave any perimeter door propped and take measures to prevent piggybacking entries.

#### **15.2.4 ROLES AND RESPONSIBILITIES**

**Terminal Agency Coordinator (TAC)** - The TAC serves as the point-of-contact at Spokane County Sheriff's Office for matters relating to CJIS systems programs within the agency and oversees the agency's compliance with FBI and state CJIS systems policies.

#### **Information Technology (IT) Point of Contact (POC)**

Each IT POC shall:

1. Identify who is using the state approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.
2. Identify and document how the equipment is connected to the state system.
3. Ensure that personnel security screening measures are being followed as stated in this policy.
4. Ensure the approved and appropriate security measures are in place and working as expected.
5. Support policy compliance and ensure the ACCESS Section is promptly informed of security incidents.

#### **Information Technology Support**

In coordination with above roles, all betted IT support staff will protect CJI from compromise at Spokane County Sheriff's Office by performing the following:

1. Protect information subject to confidentiality concerns – in systems, archived, on backup media, and until destroyed. Know where CJI is stored on laptops, mobile data terminals (MDTs), computers, servers, tape backups, CDs, DVDs, thumb drives, RISC devices and internet connections as authorized by the SCSO. For agencies who submit fingerprints using Live Scan terminals, only Live Scan terminals that receive CJI back to the Live Scan terminal will be assessed for physical security.
2. Be knowledgeable of required SCSO technical requirements and policies taking appropriate preventative measures and corrective actions to protect CJI at rest, in transit and at the end of life.
3. Take appropriate action to ensure maximum uptime of CJI and expedited backup restores by using agency approved best practices for power backup and data backup means such as generators, backup universal power supplies on CJI-based terminals, servers, switches, etc.
4. Properly protect the Spokane County Sheriff's Office CJIS system(s) from viruses, worms, Trojan horses, and other malicious code (real-time scanning and ensure updated definitions)
  - a. Install and update antivirus on computers, laptops, MDTs, servers, etc.
  - b. Scan any outside non-agency owned CDs, DVDs, thumb drivers, etc., for viruses, if SCSO allows the use of personally owned devices.
5. Data backup and storage – centralized or decentralized approach.
  - a. Perform data backups and take appropriate measures to protect all stored CJI.
  - b. Only authorized vetted personnel transport off-site tape backups or any other media that store CJI that is removed from physically secured locations.
  - c. Ensure any media released from SCSO is properly sanitized/destroyed.
6. Timely application of system patches – part of configuration management.
  - a. The agency shall identify applications, services, and information systems containing software or components affected by recently announced software flaws and potential vulnerabilities resulting from those flaws.

7. Access control measure
  - a. Address least privilege and separation of duties.
  - b. Enable event logging of:
    - i. Successful and unsuccessful system log-on attempts
    - ii. Successful and unsuccessful attempts to access, create, write, delete or change permission on a user account, file, directory or other system resource.
    - iii. Successful and unsuccessful attempts to change account passwords.
    - iv. Successful and unsuccessful actions by privileged accounts.
    - v. Successful and unsuccessful attempts for users to access, modify, or destroy the audit log file.
  - c. Prevent authorize users from utilizing publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
8. Account Management in coordination with TAC
  - a. Agencies shall ensure that all user IDs belong to currently authorized users.
  - b. Keep login access current, updated and monitored. Remove or disable terminated or transferred or associated accounts.
  - c. Authenticate verified users as uniquely identified.
  - d. Prevent multiple concurrent active sessions for one user identification, for those applications accessing CJI.
  - e. Not use shared generic or default administrative user accounts or passwords for any device used with CJI.
  - f. Passwords
    - i. Be a minimum length of eight (8) characters on all systems.
    - ii. Not be a dictionary word or proper name.
    - iii. Not be the same as the Userid.
    - iv. Expire within a maximum of 90 calendar days.
    - v. Not be identical to the previous ten (10) passwords.
    - vi. Not be transmitted in the clear or plain text outside the secure location.
    - vii. Not be displayed when entered.
    - viii. Ensure passwords are only reset for authorized user.
9. Network infrastructure protection measures.
  - a. Take action to protect CJI-related data from unauthorized public access.
  - b. Control access, monitor, enabling and updating configurations of boundary protection firewalls.
  - c. Enable and update personal firewall on mobile devices as needed.
  - d. Ensure confidential electronic data is only transmitted on secure network channels using encryption and \*advanced authentication when leaving a physically secure location. No confidential data should be transmitted in clear text.
  - e. Ensure any media that is removed from a physically secured location is encrypted in transit by a person or network.
  - f. Not use default accounts on network equipment that passes CJI like switches, routers, firewalls.

- g. Make sure law enforcement networks with CJI shall be on their own network accessible by authorized personnel who have been vetted by the Spokane County Sheriff's Office. Utilize Virtual Local Area Network (VLAN) technology to segment CJI traffic from other noncriminal justice agency traffic to include other city and /or county agencies using same wide area network.
10. Communicate and keep the Spokane County Sheriff's Office informed of all scheduled and unscheduled network and computer downtowns, all security incidents.

#### **215.2.5 FRONT DESK AND VISITOR SPONSORING PERSONNEL**

Administration of the Visitor Check-In/ Check-Out procedure is the responsibility of identified individuals (SCSO Technical Assists).

Prior to visitor gaining access physically

1. The visitor will be screened for electronic devices. No personal electronic devices are allowed in the facility except when carried by authorized personnel as deemed authorized by the Spokane County Sheriff's Office.
2. Escort personnel will acknowledge being responsible for properly evacuating visitor in cases of emergency.
3. Escort and/or Front Desk personnel will validate visitor is not leaving agency with any agency owned equipment or sensitive data prior to Visitor departure.

#### **215.2.6 PENALTIES**

Violation of any of the requirements in this policy by authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination.

Violation of any of the requirements in this policy by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

#### **215.3 VALIDATIONS**

1. The Terminal Agency Coordinator (TAC) or designee must review all records on the validation list.
2. Spokane City Police Records staff is the designees for processing validations for the Spokane County Sheriff's Office.
3. Warrants and Protection Orders:
  - a. Pull the original warrant or protection order and check all relative information or source documents such as Department of Licensing (DOL) files, criminal history, etc., regarding accuracy of the report.
  - b. Send warrant or protection order back to the court or prosecutor for verification of validity and any changes in extradition or expiration. Agencies may also use DISCIS or SCOMIS to validate entries.
4. Hot Files:
  - a. Pull the original case report and check all relative information or source documents such as Department of Licensing (DOL) files, criminal history, etc., regarding accuracy of report.
  - b. The reporting party or victim must be contacted to verify validity and accuracy. Contact may be made by telephone, letter, email, or personal visit and must be documented.

- c. If the agency is unable to contact the reporting party, the department must use its best judgment whether to cancel the record or retain it in the system. This decision must be documented.
- 5. All invalid records must be removed from Washington Crime Information Center (WACIC) and the National Crime Information Center (NCIC) immediately.
- 6. Validation efforts must be well documented. Documentation of phone calls, letters, dates and dispositions need to be included with each record that was validated. For each record validation, you must document who conducted the validation, who was contacted to validate the record, the date, how the record was validated (phone, letter, etc.), and if the record is still valid. Auditors will review the previous three months of NCIC validations during the triennial audit.
- 7. All completed validations and letters must be removed from the Fortress webpage.

The validation letter must be completed and returned to the ACCESS Section by the due date.

#### **215.4 CRIMINAL HISTORY USE AND DISSEMINATION**

- 1. All criminal history logs are maintained in an automated format by the Washington State Patrol (WSP).
- 2. The criminal history shall contain the following information:
  - a. The Attention (ATN) Field must contain the following
    - i. First initial and last name or unique identifier of the person requesting the information. A unique identifier of the requestor might be a personnel number that does not change throughout their career.
    - ii. Specific criminal justice reason. The reason can be a case number or a literal criminal justice reason. If literal, the reason can be spelled out or abbreviated. If the agency uses abbreviations, there must be an agency generated abbreviations list. The list is required to be available during the audit process. Generic reasons such as investigation, employment, risk, ID verify are considered too generic and a compliance issue.
    - iii. Put the Originating Agency Case Number (OCA) for tracking and to assist during the audit process.
      - 1. Examples:
        - a. ATN/S THOMPSON THEFT
        - b. ATN/S THOMPSON 13-00497B
        - c. ATN/S THOMPSON WAR (WARRANT ENTRY)
        - d. ATN/S THOMPSON CJA (CRIMINAL JUSTICE APPLICANT)
  - b. Proper purpose codes must be used. If you are unsure about which purpose code to use, you may refer to the ACCESS Operating Manual
    - i. **C:** Use this purpose code for official duties in connection with the administration of criminal justice (i.e. crimes, non-applicant riders and contractors or vendors not involved in the administration of criminal justice).
    - ii. **J:** Use this purpose code when back grounding new criminal justice applicants, applicant ride along and the 5 year re-background check for certified ACCESS users.
    - iii. **E:** Use this purpose code for evidence returns, silencer/suppressors, and researching a State Identification Number (SID) for a firearm transfer when the purchaser has a Concealed Pistol License (CPL)
  - c. The subject's information that you are querying:

- i. Full name and date of birth.
  - ii. State Identification (SID) number or Federal Bureau of Investigation (FBI) number.
  - iii. Identify the specific type of request (QH, QWH, QR, QI)
3. Spokane County Sheriff's Office does not provide secondary dissemination.
4. Each agency will store all Criminal Justice Information (CJI) in a secure case file or dispose of all documents according to agency required policies. For disposal and transportation of CJI, refer to the Criminal Justice Information Services (CJIS) Security Policy 5.8 Media Protection – Revised August 9, 2012.
5. Agency personnel have all been trained and apprised that criminal history data may only be used in the administration of criminal justice. It is strictly protected by state and federal law. A list of applicable laws may be found in Chapter 1 of the ACCESS Operations Manual – Revised October 2013.

#### **215.5.1 USE OF THE ACCESS SYSTEM**

1. A Central Computerized Enforcement Service System (ACCESS) is a computer controlled communications system operated and maintained for all law enforcement and criminal justice agencies within the state. The Chief of the Washington State Patrol (WSP) administers all operating phases of the ACCESS System.
2. The ACCESS System shall only be used for official law enforcement business. The following rules and policies ensure proper and efficient use of the ACCESS System. All terminal operators, including mobile data terminal users, must be certified at their appropriate level every two years. All personnel will conform to these policies and rules.

#### **215.5.2 TERMINAL AGENCY COORDINATOR (TAC)**

Responsibility for proper operator performance, strict adherence to regulations, prompt notification of CJIS violations to the ACCESS Section, and training rests with the TAC.

#### **215.5.3 INFORMATION FROM ACCESS AND DISSEMINATION**

1. All personnel who use or work on the connection to ACCESS must observe all restrictions placed on the use of dissemination of information received through ACCESS. Policies contained within the ACCESS Operating Manual and other related manuals must be adhered to. Some records may be public information; however, if the information is obtained through ACCESS it must be considered criminal justice purposes. Those records that may be considered public would have to be released through a formal public disclosure request. Or, other legal requests (i.e. court order)
2. Queries or messages not pertaining to law enforcement business (e.g., personal inquiries) are prohibited.
3. Persons shall not use or provide any information obtained through the ACCESS system, including all Department of Licensing (DOL) and Department of Corrections (DOC) information, for private business or personal reasons.

#### **215.5.4 SYSTEM MISUSE**

1. Violations of the rules, regulations, policies, or procedures developed by NCIC and adopted by the WSP or any other misuse or abuse of the ACCESS system may result in agency disciplinary measures and/or criminal prosecution.
2. Spokane County Sheriff's Office shall investigate the alleged misuse. Whether founded or not, a completed ACCESS Violation Report shall be sent to the ACCESS Manager, Washington State Patrol, Olympia, Washington.

3. Additional disciplinary measures imposed by WSP may include revocation of individual certification, discontinuance of system access to the department, or purging the department's records.

### **215.6 REBACKGROUND INVESTIGATION**

ACCESS requires all personnel who use or work on the connection to ACCESS to have a rebackground investigation conducted every five years. This mirrors the CJIS Security Policy recommendation.

The following checks must be conducted to complete the rebackground checks:

1. QWH – Inquire on the Name and Date of Birth
  - a. Use Purpose Code J.
  - b. Use rebackground as the reason.
2. QR – Inquire on the SID and/or FBI obtained from the QWH transaction.
  - a. Use Purpose Code J
  - b. Use rebackground as the reason.

The TAC is required to maintain a log of all personnel SID numbers and the date of the rebackground investigation for future ACCESS audits.

The TAC must notify the Washington State Patrol (WSP) ACCESS Section of any findings, including:

- a. If there are any felony findings.
- b. If there are charges pending a disposition.
- c. If there are misdemeanor findings.

Unless otherwise determined by the ACCESS Section, it will be up to the discretion of the Spokane County Sheriff or his/her designee whether to limit the use of ACCESS.

Do not retain the Rapsheet information. Dispose of by shredding.

### **215.7 MEDIA PROTECTION POLICY**

The intent of the Media Protection Policy is to ensure the protection of the Criminal Justice Information (CJI) until such time as the information is either released to the public via authorized dissemination (e.g. within a court system or when presented in crime reports data), or is purged or destroyed in accordance with applicable record retention rules.

The scope of this policy applies to any electronic or physical media containing FBI Criminal Justice Information (CJI) while being stored, accessed or physically moved from a secure location from Spokane County Detention Services. This policy applies to any authorized person who accesses, stores, and/or transports electronic or physical media. Transporting CJI outside the agency's assigned physically secure area must be monitored and controlled.

Authorized Spokane County Sheriff's Office personnel shall protect and control electronic and physical CJI while at rest and in transit. Spokane County Sheriff's Office will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate CJI disclosure and/or use will be reported to SCSO Business Operations Administrative Manager.



### **215.7.1 MEDIA STORAGE**

“Electronic media” includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media to include magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. “Physical media” includes printed documents and imagery that contain CJI.

Spokane County Sheriff’s Office personnel shall:

1. Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.
2. Restrict access to electronic and physical media to authorized individuals.
3. Ensure that only authorized users remove printed form or digital media from the CJI.
4. Physically protect CJI until media end of life. CJI is destroyed or sanitized using approved equipment, techniques and procedures.
5. Not use personally owned information system to access, process, store, or transmit CJI.
6. Not use publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers.
7. Store all hardcopy CJI printouts maintained by Spokane County Sheriff’s Office in a secure area accessible to only those employees whose job function requires them to handle such documents.
8. Precautions must be taken to obscure CJI from public view. For electronic devices such as computer towers and laptops, use session lock and/or privacy screens. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.
  - a. When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.

### **215.7.2 MEDIA TRANSPORT**

Controls are in place to protect electronic and physical media.

1. Dissemination to another agency is authorized if: The other agency is an authorized recipient of such information and is being serviced by the accessing agency; or the other agency is performing personnel and appointment functions for criminal justice employment applicants.
2. Spokane County Sheriff’s Office personnel shall protect and control electronic and physical media during transport outside of the controlled areas. Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.
  - a. Spokane County Sheriff’s Office personnel will control, protect, and secure electronic and physical media during transport from public disclosure by:
    - i. Use of privacy statements in electronic and paper documents.
    - ii. Limiting the collection, disclosure, sharing and use of CJI.
    - iii. Limiting access to CJI to only those people or roles that require them.
    - iv. Securing hand carried confidential electronic and paper documents by:
      1. Storing CJI in a locked briefcase or lockbox.
      2. Only viewing or accessing CJI electronically or documented printouts in a physically secure location by authorized personnel.
      3. Hard copy printouts must be packaged in such a way as to not have any CJI information viewable.

4. When disposing of confidential documents, a shredder must be used.
3. Electronic Media Sanitation and Disposal
  - a. The agency shall sanitize/overwrite electronic media three times prior to release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (shredded, etc.). SCSO shall maintain written documentation of the steps taken to sanitize or destroy electronic media. SCSO shall ensure the sanitization or destruction is carried out by authorized personnel (Spokane County Information Systems Department). Physical media shall be securely disposed of when no longer required.
4. Breach Notification and Incident Reporting:
5. Spokane County Sheriff's Office is required to report incident information to appropriate authorities. Incident-related information can be obtained from audit monitoring, network monitoring, physical access monitoring, and user/administrator reports.
6. Roles and Responsibilities
  - a. If CJI is improperly disclosed, lost, or reported as not received, the following procedures must be immediately followed:
  - b. Spokane County Sheriff's Office personnel shall notify the Business Operations Administrative Manager, and an incident-report form must be completed within 24 hours of discovery of the incident. The submitted report is to contain a detailed account of the incident, events leading to the incident, and steps taken in response to the incident.
  - c. The WSP ACCESS Section will:
    - i. Investigate, document and report to the CSA, the affected criminal justice agency, the FBI CJIS Division ISO that significantly endanger the security or integrity of CJI.
    - ii. Collect and disseminate all incident-related information received from the Department of Justice, FBI CJIS Division, and other appropriate local law enforcement within their area.
    - iii. Act as a single POC for Washington state for requesting incident response assistance.

### **215.7.3 PENALTIES**

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination.

### **215.8 DISPOSAL OF MEDIA**

The purpose of this policy is to outline the proper disposal of media (physical or electronic) at Spokane County Sheriff's Office. These rules are in place to protect sensitive and classified information, employees and SCSO. Inappropriate disposal of Spokane County Sheriff's Office and FBI Criminal Justice Information (CJI) and media may put the employees, SCSO and the FBI at risk.

This policy applies to all Spokane County Sheriff's Office employees, contractors, temporary staff, and other workers at SCDS, with access to FBI CJIS systems and/or data, sensitive and classified data, and media. This policy applies to all equipment that processes, stores, and/or transmits FBI CJI and classified and sensitive data that is owned or leased by SDSO.

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI and classified and sensitive data shall be properly disposed of in accordance with measures established by Spokane County Sheriff's Office.

#### **215.8.1 PHYSICAL MEDIA**

print-outs and other physical media shall be disposed of by the following methods:

1. Shredding – Documents are collected in locked shredding bins. Devries employees shred documents on site. A Spokane County Sheriff's Office employee is present during the entire process.

#### **215.8.2 ELECTRONIC MEDIA**

Hard drives, tape cartridges, CDs, printer ribbons, flash drives, printer and copier hard drives, etc. shall be disposed of by the following method. Items are delivered to Spokane County Information Systems Department where they will be overwritten (at least three times) or physically destroyed.

IT systems that have been used to process, store, or transmit FBI CJI and /or sensitive and classified information shall not be released from SCSO's control until the equipment has been sanitized and all stored information has been cleared using of the above methods.

#### **215.8.3 ENFORCEMENT**

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination.

**SC Child Abuse Investigations  
Protocol - FINAL 2019.pdf**



CHILD ABUSE INVESTIGATION  
PROTOCOL

## **ACKNOWLEDGEMENT**

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Sincere thanks to the community members who collaborated in the process of developing this protocol and acknowledging a commitment to the principles set forth herein.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

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LAWRENCE HASKELL  
Spokane County Prosecuting Attorney

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## I. PURPOSE

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The purpose of the protocol is to ensure that each case is investigated thoroughly while minimizing the trauma to child victims, under the age 18, by facilitating a multi-disciplinary approach to child abuse investigations in order to enhance the safety of children in our community

## II. DISCLAIMER

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In no case are these guidelines intended as legal authority for the admissibility or non-admissibility of evidence developed in the course of an investigation. It is essential that investigators and clinicians have freedom to exercise judgment in individual cases.

## III. DEFINITIONS

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The following terms used throughout the Protocol are defined as follows:

**Child Forensic Interview** is a developmentally sensitive and legally sound method of gathering factual information regarding allegations of child abuse, child neglect, or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing techniques informed by research and best practice as part of a larger investigative process.

**Children's Advocacy Center (CAC)** is a child-focused facility where children alleged to be victims or witnesses of trauma, abuse, and/or neglect receive comprehensive support and services including: medical evaluations and treatment, forensic interviews, advocacy, case management, and therapy. The CAC adheres to a Multidisciplinary Team (MDT) approach to investigations involving children.

**Community Sexual Assault Program (CSAP)** is accredited by the Office of Crime Victims Advocacy (OCVA) in Washington State. Trained and certified victims' advocates provide free services including confidential 24/7 hotline, information about sexual assault/abuse, crisis intervention and ongoing support, medical and legal advocacy, and referral to other community service providers; advocates' verbal and written communications with survivors are privileged per RCW 5.60.070(7). A CSAP may also provide support groups and mental health therapy.

The **Department** refers to the Washington State Department of Children, Youth, and Families. The investigative roles and responsibilities of Child Protective Services (CPS) falls under the Department.

**Law Enforcement** includes all agencies within Spokane County including but not limited to the following: Spokane PD, Spokane Co. Sheriff, Eastern Washington University PD, Cheney PD, Airway Heights PD, Spokane Valley PD, Liberty Lake PD.



**Mandated Reporter** refers to those individuals required by law (RCW 26.44.030) to report child abuse or neglect to the proper law enforcement agency, or to the Department.

**Multidisciplinary Team (hereinafter MDT)** is a team comprised of agencies and individuals in Spokane County involved in the investigation, prosecution, and advocacy of cases involving child abuse. This team meets for the purpose of resolving inter-agency conflicts, coordinating responses to cases, and for monthly case tracking meetings and education. The MDT is led by a representative from Partners with Families and Children. Anyone involved in the investigation, prosecution or advocacy of cases involving child abuse or neglect may contact Partners with Families and Children to convene the MDT through the assigned representative.

**Safety Assessment** refers to the process of information gathering limited to assessing the overall safety and welfare of the child.

**Specialized Child Interviewer (SCI)** is an individual with special training in interviewing children, developmentally delayed adults, and children with obvious and significant developmental delays.

**Victims' Rights** are defined by RCW 70.125.010 known as the Victims of Sexual Assault Act (RCW 70.125.060 and RCW 70.125.065 refer to the victim's right to have a personal representative accompany and be present at all proceedings; and that CSAP records are not available as part of discovery-exceptions).

#### **IV. AGENCY ROLES AND RESPONSIBILITIES**

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Law enforcement, prosecutors, assistant attorney's general, and the Department should be able to share appropriate information with each other as authorized by law. An effective, well-defined process for sharing information among agencies provides the following benefits:

1. Increases the likelihood that the child is protected;
2. Improves the quality and efficiency of the investigation;
3. Minimizes repetitive investigative interviews;
4. Allows for a broad range of perspectives and facts to be used in determining the investigative approach;
5. Prevents duplication and overlap of effort.

##### **Law Enforcement Agencies within Spokane County**

For incidents reported directly to law enforcement agencies within Spokane County, patrol officers are often dispatched to assess situations. Assessments should include: whether a crime has been committed and the overall safety and wellbeing of the child. If the child is considered to be at imminent risk of harm, the child will be taken into protective custody and placed with a person deemed to be safe or with Child Protection Services.

Any law enforcement agencies receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040

If the matter investigated warrants action but is not considered criminal, the matter will be referred to Child Protection Services, with corresponding police report. If the matter does not require further attention, a police report reflecting an unfounded disposition will be completed.

Preliminary investigations, including witness interviews, evidence collections, and the possible detention of a suspect, will be conducted when a crime was potentially committed. Should an arrest be made immediately following the report of a crime, a detective may be assigned to coordinate and conduct the investigation. If an arrest is not made at the time of the initial report, a detective may be assigned as soon as possible and coordination with applicable entities should be pursued.

Interviewing of suspects is the responsibility of the assigned law enforcement agency. In instances where both law enforcement and CPS are involved in an investigation, law enforcement will notify CPS of a reasonable timeline in which they believe that they will be able to either attempt or complete an interview with the suspect. Should the law enforcement timeline fall outside of the established policies for CPS/DLR, these agencies will advise law enforcement of the need to move forward with their own interviews to be in compliance of their investigative requirements.

Law enforcement will attempt, either directly with CPS/DLR or through CAC staffing, to coordinate interviews of the suspect, the person(s) to whom the child disclosed, and collateral witnesses so that all investigative parties are aware and included in the information gathering process. Law enforcement has the primary responsibility for interviewing collateral witnesses during a criminal investigation.

### **Specialized Child Interviewer (hereinafter SCI)**

An individual with special training in interviewing children, developmentally delayed adults, and children with obvious and significant developmental delays (pursuant to RCW 43.101.224 and 74.14B.010) who conducts detailed forensic interview(s). A SCI can be an employee of law enforcement, Child Protective Services, or Partners with Families and Children: Children's Advocacy Center.

### **Washington State Department of Children, Youth, and Families**

State agencies involved in the investigation of cases where there are allegations of:

- a. Child abuse by a member of the household or a primary caretaker; or
- b. Child abuse occurring in any licensed foster care facility, day care facility, camp or institution providing services for children.

CPS intake social workers receive calls from both mandated and non-mandated reporters who are alleging or have concerns about the abuse, neglect, and/or maltreatment of children. Through the use of appropriate and required screening tools, CPS will determine whether cases meet the acceptance criteria for investigation and the time required for an investigative response.

For cases assessed as being emergent, CPS investigators will attempt or make face-to-face contact with the identified child victim within 24 hours of receiving the referral. Emergent cases include situations where children are at imminent risk of harm or have been taken into protective custody by law enforcement.

Non-emergent cases that require face-to-face contact with child victims will be attempted and/or completed within 72 hours, which includes weekends and holidays.

The primary goal during the initial contact with children is to gather the information necessary to complete a safety assessment and appropriate safety planning. Should it be determined that a child is not safe to return to the home, CPS will, after consultation with their Attorney General's Office, initiate a dependency petition through the local Juvenile Court System.

Law enforcement will be the lead agency in child abuse investigations unless otherwise agreed by the agencies involved. The lead agency will take the initiative to lead the investigation and keep the other agencies informed of the investigation status and progress. The assignment of the lead agency does not preclude the involvement of other agencies.

CPS shall provide all relevant information, including reports, which may assist law enforcement in performing their duties/responsibilities, within a timely manner to the extent permitted by RCW 26.44, RCW 13.50 or other legal authority. Records shall be maintained by each agency pursuant to RCW 26.44.035 and RCW 70.125.065.

In child abuse cases, CPS shall coordinate forensic interviews with law enforcement. Coordination will include an agreement as to the timing, location, and a determination as to who will conduct the interview. If CPS interviews a child or a child makes a spontaneous statement about abuse without law enforcement present, CPS must document in a taped format manner the questions asked and any responses by the child which pertain to alleged sexual abuse, pursuant to RCW 26.44.035.

### **Spokane County Prosecuting Attorney**

When suspects are arrested for a crime against a child, the Spokane County Prosecutor's Office will review the file materials within 72-hours to make a determination on the threshold for charging a crime. If criminal charges are filed, coordination with all investigating agencies in the preparation for trial will occur.

If no charges are filed due to pending investigations, coordination with all investigating agencies will occur, with the assigned detective handling follow-up investigation needs, which may include a forensic interview.

If, after completion of the law enforcement investigation, a determination is made to not pursue criminal charges, the Prosecutor's Office will notify the law enforcement agency.

The Victim/Witness Unit at the Spokane County Prosecutor's Office will provide support to children and their families throughout the prosecution of their case. Specific duties include, but are not limited to:

- Provision of education and access to victims' rights and crime victims' compensation
- Access to transportation to interviews, court, and other case-related meetings
- Engagement in child and family response regarding participation in the prosecution process
- Provision of updates to the family on case status, continuances, dispositions, sentencing, and inmate status notifications
- Provision of court education and courthouse/courtroom tours, support, and accompaniment

### **Lutheran Community Services Northwest (LCSNW) SAFeT Response Center and Mental Health Program**

LCSNW is the Community Sexual Assault Program (CSAP) and Crime Victim Service Center for the communities of Spokane County. Washington State Certified Victim Advocates

provide support and advocacy services for sexual and physical assault victims and their families including, but not limited to:

- Crisis assessment and intervention, risk assessment, and safety planning and support for children and their family members
- Presence at the Children's Advocacy Center during the forensic interview in order to participate in information sharing and assess the needs of the child and their non-offending caregiver
- Provision of referral for specialized, trauma-focused, evidence-based mental health treatment, if not provided at the Children's Advocacy Center.
- Provide ongoing outreach and advocacy for victims and their families
- Provide advocacy for secondary victims as requested
- Assistance in the application for civil protection orders
- Provide 24-hour crisis line services and Emergency Department response

LCSNW provides evidence-based and trauma-informed individual and group therapy for child victims of sexual and physical abuse and their families. Mental health services through LCSNW are available and accessible to all CAC child clients

### **Washington State Attorney General's Office**

Advises the Department pertaining to the investigation of child abuse.

### **Mandatory reporters**

Reports to the Department or law enforcement are required of many persons in the community, pursuant to RCW 26.44.030. Any agency reporting cases of suspected child abuse should do so promptly. These agencies should not interview children, unless they have the necessary training. They may take brief initial statements to document abuse and assess risk.

### **Partners with Families and Children (PFC): Children's Advocacy Center**

PFC is the Children's Advocacy Center located in Spokane County that convenes and facilitates the Multidisciplinary Team (MDT) response to cases involving children and adults with developmental disabilities. The types of cases that would warrant an MDT response through PFC Children's Advocacy Center include, but are not limited to:

- Cases involving child sexual abuse
- Cases involving moderate to severe physical abuse, which requires immediate medical attention
- Unexplained fractures, multiple fractures, fractures in various stages of healing, and abdominal injuries
- Head trauma and injuries resulting in significant sight, hearing or mental impairment
- Suspicious burns, injuries to the face, genitalia, or extremities
- Multiple bruises/lesions on different part of the child's body or bruising and injuries to a child that is not mobile

- Strangulation that restricts/interferes with a child's breathing
- Cases involving the death of an infant or a child under the age of 5

Referrals to the CAC can be generated by law enforcement and/or CPS by contacting either the MDT Coordinator, medical personnel, or forensic interview staff. CAC staff will then manage the scheduling of services and coordination of needed support services. Notification to all investigative agencies will be made so that investigations are collaborative in nature without instances of duplicative work.

The Prosecutor's Office has designated that Case Reviews are facilitated by PFC and held on a monthly basis to review the status of the investigative process/needs. Case review processes should include:

- Review of interview and medical evaluation outcomes
- Discussion on child protection and other safety issues
- Provide input for prosecution considerations including trial readiness and court preparation/education
- Review criminal and civil/dependency court updates and involvement of the child and family in one or both systems
- Discussion of cultural and special needs issues relevant to the case
- Discussion of emotional support and treatment needs of the child and family members as well as strategies for meeting those needs
- Provide a forum for ongoing interdisciplinary training

PFC provides support and advocacy services for child victims of trauma, abuse, and neglect and their families including, but not limited to:

- Crisis assessment and intervention, risk assessment, and safety planning and support for children and family members at all stages of involvement with the CAC
- Assessment of individual needs and cultural considerations for the child and family to ensure those needs are addressed
- Inform and support the family about the coordinated, multidisciplinary response
- Assistance in procuring concrete services
- Provide education on, and access to, victims' rights and crime victims' compensation
- Access to transportation to interviews, court, and other case-related meetings
- Engagement in child and family response regarding participation in the prosecution process
- Provide updates to the family on case status, continuances, dispositions, sentencing, and inmate status notifications
- Provide court education and courthouse/courtroom tours, support, and accompaniment

PFC provides evidence-based and trauma-informed individual therapy for child victims of sexual abuse and their families. Mental health services through PFC are available and accessible to all CAC child clients regardless of the family's ability to pay.

PFC will provide twice yearly an update on research and best practice to include peer review opportunities regarding child forensic interviews.

PFC will provide medical evaluations, which may include evidence collection, and treatment of child abuse victims. In doing so the following guidelines shall be considered:

- All children referred to the PFC for forensic interviews and/or other services will be assessed to evaluate the need for a medical evaluation.
- Specialized medical evaluations are available and accessible to all PFC clients regardless of ability to pay.
- The medical history is for purposes of medical diagnosis and treatment. The history should be taken from both the presenting caregiver as well as the child. Every effort should be made to obtain the history from each separately and in a confidential environment.

## **V. CHILD FORENSIC INTERVIEWS**

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To reduce the number of interviews conducted with children the following should be considered:

- Forensic interviews of children should be conducted by trained SCI.
- The Children's Advocacy Center has available interview rooms that may be utilized by trained SCI professionals and should be considered as the location of the forensic interview in order to take advantage of wraparound services for victims and/or witnesses.
- All interviews shall be sensitive to the emotional comfort of the child and of the possibility of the developmental, cognitive, cultural, or language barriers.
- A child forensic interview should be considered when one of the following are present:
  - There is a clear disclosure of sexual or physical abuse
  - A Child has witnessed a violent crime
  - There has been a confession made by a suspect
  - The abuse has been witnessed, recorded, or documented
  - The child is identified in any video or photographic image

At a minimum, a child forensic interview shall be audio recorded with best practice being audio and video recording. Such recording shall not be distributed without a protective order signed by all parties.

Every effort should be made to reduce the number of interviews of a child victim/witness. Subsequent child forensic interviews may be considered in the following circumstances:

- New allegations
- Disclosure by child in therapy post non-disclosure interview
- New evidence is discovered post interview that corroborates the initial disclosure
- Child witnesses abuse of another child
- Child presents as reluctant in the initial interview and is invited to return another time

#### SCI Training and Qualifications

##### A. Specialized Child Interviewer (SCI):

1. Minimum standard: (32) hours of training dedicated to techniques specific to interviewing children. Training shall include attending lectures, observing an experienced SCI and practical application and critique of interview techniques.
2. A minimum of eight (8) hours every 2 years per year of on-going training to maintain proficiency.
3. At a minimum, attend 2 peer reviews yearly

##### B. Interviewers of persons with significant development delay(s):

1. Minimum standard: two (2) hours of training dedicated to techniques specific to communications with and sensitivity to person with a significant developmental delay;
2. A minimum of one (1) hour per year of on-going training to maintain proficiency.

## **VI. PHYSICAL ABUSE CASES**

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### **CHILD PHYSICAL ABUSE INVESTIGATION GUIDELINES**

#### Investigating Partners:

1. CPS
2. Law Enforcement
3. Child Advocacy Center
4. Medical Community
5. Prosecutor's Office

### **GUIDELINES**

#### **DCYF:**

- (1) When CPS receives an initial report of suspected physical abuse of a child, CPS shall notify the local law enforcement agency within 24 hours from time of initial report.
- (2) Whenever practical, DCYF should contact Partners' medical staff within 24-hours of the report of suspected physical abuse injuries
- (3) Notification to law enforcement should be directly whenever the information suggests that the child is in immediate risk, or that the physical abuse of the child has occurred, is occurring, or is likely to occur in the near future.
- (4) If CPS determines that a potential criminal action will result from the report CPS shall directly involve law enforcement as soon as is reasonably possible in order to avoid duplicate child interviews and investigation. Law enforcement shall take the lead and work with CPS upon an initial report if it is likely a criminal action will result from the referral.



- (5) Whenever practical, interview child and witnesses in accordance with the guidelines set forth in Section V.

### **LAW ENFORCEMENT**

- (1) Whenever practical work with CPS to avoid duplicate child interviews and investigation.
- (2) Whenever practical, DCYF should contact Partners' medical staff within 24-hours of the report of suspected physical abuse injuries
- (3) Whenever practical interview child and witnesses in accordance with the guidelines set forth in Section V
- (4) Whenever practical consult the C-POD guidelines during the course of the investigation

### **CHILD ADVOCACY CENTER**

- (1) Be available to take referrals for forensic interviews, medical consultations, and medical examinations of children
- (2) Aid in the coordination of community resources available to victims of child physical abuse and their families
- (3) Take the lead in coordination multiple disciplinary team staffings
- (4) Make available a children's legal advocate to the child and family during the course of the investigation and prosecution

### **REPORTING MEDICAL COMMUNITY**

- (1) Consider whether injury or illness is the result of abuse or neglect
- (2) Call local law enforcement and notify CPS if necessary
- (3) An effort should be made to note suspicious history

### **PROSECUTOR'S OFFICE:**

- (1) Whenever practical, the Prosecuting Attorney's Office will be available to consult with law enforcement
- (2) Make decisions to decline or charge cases referred by law enforcement
- (3) Prosecute child physical abuse cases when appropriate

## **VII. CHILD FATALITIES**

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### **Child Fatalities**

#### **Notice to Law Enforcement**

Any and all unnatural life-threatening events or deaths involving a child and occurring outside of a clinic, emergency room, or hospital should be reported immediately to the local law enforcement agency in addition to the emergency medical system. Any emergency medical system call for an unnatural life-threatening event or death involving a child shall prompt an emergency call for and response by the law enforcement agency having jurisdiction.

Any time an unnatural life-threatening injury of any causation involving a child is recognized in a clinic, emergency room, hospital, or other health-care facility, the health care professional(s) shall report the finding to law enforcement immediately.

#### Notice to the Medical Examiner

The death of any child where there are indications of the death occurring suddenly when in apparent good health or by any form of unnatural or unlawful means (any form of homicide, suicide, or accident) is to be reported by anyone knowing of such a death to the Office of the Medical Examiner in the most expeditious manner possible in accordance with RCW 68.50.010 and RCW 68.020.

No dead body of a child under the jurisdiction of the Medical Examiner is to be concealed from the Medical Examiner, and no such body is to be moved anywhere or examined by anyone, without the authorization of the Medical Examiner (see RCW 68.50.010, RCW 68.50.050, RCW 68.50.100, RCW 68.50.101, RCW 68.50.102, RCW 68.50.106, and RCW 36.24.060).

#### Notice to Child Protective Services

For all death reports made to the Office of the Medical Examiner that involve a child, the Office of the Medical examiner will in turn contact Child Protective Services (CPS) and report the fact of death, when and where the death occurred as known at the time, and the identity of the child, in order to allow cross referencing of child deaths with CPS cases.

Child Protective Services will serve as the primary liaison with military and tribal authorities regarding matters of living child protection and related issues.

#### Prosecuting Attorney's Office

The Prosecuting Attorney's Office will be available to advise other agencies on an as-needed basis but will not routinely make visits to death/crime scenes or attend postmortem examinations, in order to remain free of potential conflicts that may relate to any particular case that might go on to prosecution.

#### Information Sharing

Information sharing regarding child fatalities among agencies will occur as mandated by statute, and to the maximum extent allowed and as timely as possible while abiding by the various confidentiality rules established by statute. The individual identity of each deceased child and the cause and manner of death as listed on the death certificate becomes a public

record when the death certificate is filed with Vital Records at the Public Health District, and access to and copies of the death certificate may be obtained from Public Health (death certificates are not managed by the Medical Examiner). Medical Examiner reports and records of autopsies and postmortems are confidential by statute (RCW 68.50.105), with access limited to individuals and agencies specifically named in the statute as being exempt from the rule.

In cases of child death that are known or suspected to be a homicide, law enforcement shall take the lead position and responsibility for interviewing witnesses and suspects. Information gained from such interviews will be shared with other agencies, including the medical team of the Children's Advocacy Center, as directed and allowed by current state statute and within the scope of the official needs of the other agency(s); with law enforcement discretion exercised in certain sensitive cases.

#### Suspected Abuse or Neglect in Non-Homicide Deaths

In cases of child death that are not a homicide (death due to natural causes or accident or suicide), but where there exists evidence of the child having been subjected to sexual or physical abuse or neglect while alive, investigators shall refer to the guidelines of the protocol (as recorded in other sections) in fashion similar to a case involving a living child, in addition to any investigations conducted regarding the cause, means, or manner of death.

#### Notice of Living Siblings or Other Children in Same Home

It shall be the common effort of law enforcement, fire, emergency medical services, health care, public health, and medical examiner personnel, when knowing of a child death of the kind addressed by this protocol, to routinely inquire as to the existence of any surviving siblings of the deceased or any other children living in the same home. If there are living siblings or other children living in the same home, an effort will be made to pass that information on to Child Protective Services as soon as practical.

#### Law Enforcement Notification, Internal Decision Making, and Interview Coordination

Notification is to be made to the jurisdictional law enforcement (LE) agency where:

- 1) A child is the victim of an unnatural life threatening event and death is likely to occur
- OR**
- 2) Where a child has died as a result of:
  - a) Unexplained or unnatural circumstances
  - b) Sexual abuse
  - c) Physical abuse
  - d) Neglect
  - e) Any circumstances constituting criminal conduct

The appropriate law enforcement decision authority will then determine if a criminal investigation is warranted and activate the appropriate investigative team, if deemed appropriate.

The law enforcement investigative team shall take charge of the criminal investigation, including having the primary role for interviewing all potential suspects and witnesses.

Other agencies shall defer and coordinate with the jurisdictional law enforcement agency with respect to the interviewing of potential suspects and witnesses. Law enforcement shall make reciprocal coordination efforts with other involved agencies.

A MDT facilitated by Partners with Families and Children will be convened to help coordinate investigative responsibilities, organize supportive measures to non-offending family members and caregivers, and review the historical circumstances of the situation, which may have contributed to or directly caused the fatality.

### Death Scene Approach

Death scene investigations involving child fatalities will be conducted according to the following principles:

If an ill or injured child receives emergency medical care and is transported away from the scene of injury and/or first discovery, and death occurs at another place, law enforcement shall be the lead agency for conducting scene investigations, coordinating with the Office of the Medical Examiner, with a medical investigator or and or medical examiner scene visit when possible, in cases of sudden and unexplained death in infants and small children in accordance with state statute (RCW 43.103.100).

For cases of child death where the dead body is present, the body falls within the jurisdiction of the Medical Examiner and the remainder of the scene falls within the jurisdiction of law enforcement.

A medical investigator from the Office of the Medical Examiner shall respond to the scene and coordinate, along with the investigating law enforcement agency, the examination and documentation of the condition and appearance of the body and the surrounding area, to include photographs taken by law enforcement and the medical investigator.

A medical examiner/forensic pathologist shall be available to consult with the medical investigator, and at her or his discretion may visit the death scene in person.

The body (the human remains and items directly on the remains/body) shall be packaged as evidence under the supervision of the medical investigator or medical examiner and removed from the scene as soon as practical.

The Office of the Medical Examiner will arrange transportation of the body/remains to the County's morgue facility.

#### Postmortem Examinations and Evidence Analysis

Forensic postmortem examinations, including autopsies, and related collection of evidence from human remains (the dead body) shall be done at the discretion of the Medical Examiner. Examinations will be conducted with consideration given to current state and/or nationally recognized principles, guidelines, and/or standards.

Specific evidence collections will be coordinated between the Office of the Medical Examiner and the law enforcement agency having jurisdiction. [RCW 68.50.010, RCW 68.50.100, RCW 68.50.101, and RCW 68.50.106]

Forensic medical examinations of human material specimens pertinent to medical examiner determinations, including postmortem toxicology, will be conducted or arranged by the Medical Examiner.

Forensic/crime laboratory analysis of case-related evidence, including that collected at scenes and at autopsy (clothing, bullets, fingernail trimmings, swabs, hairs, fibers, etc.), will be arranged by law enforcement.

### **VIII. CPOD GUIDELINES**

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The State CPOD guidelines are adopted by reference as a part of this protocol.

### **IX. COMPOUNDED CASES**

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In the event the investigation involves one or more of the following, the receiving agency should consider convening an MDT and will immediately notify the MDT representative from PFC to coordinate a meeting:

1. Multi-jurisdictional;
2. Multi-Perpetrator;
3. Multi-Victim
  - a. 3 or more identified victims;
  - b. Victims from different custodial families;
  - c. Victims from multi-cultural backgrounds;
  - d. Cases where there may be a high degree of contamination and/or other victims who have not disclosed

## **X. CASE TRACKING**

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Partners with Families and Children (PFC) and other systems routinely track cases as part of the team protocol while the case is pending in the child protective and criminal justice systems. This is accomplished on NCATrak database and allows for sharing of information such as:

- Client demographics and information
- Medical information
- CPS involvement
- Case outcome

The case tracking information is printed each month and made available to all team members. The Children's Legal Advocate from Partners and the Victim/Witness Advocate from the Spokane County Prosecutor's Office supplies monthly information to the team on case charging and prosecution/trial outcomes.

Mental health professionals and advocates from Partners and from Lutheran Community Services NW, with appropriate Authorized Releases of Information, are involved in regular case review staffings and case tracking and advise the team on the child victims emotional and psychological status and needs.

When children and families are receiving treatment with other licensed mental health organizations in the community, their provider is invited to the case review staffings.

The MDT is available to staff cases on a weekly basis.

## **XI. CASE CLOSURE**

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If applicable, following the initial investigation, law enforcement and the Department should continue to confer regularly to determine additional follow-up investigative needs. Consultation may also include a discussion as to the method of informing the victim(s)'s family as to the results of the investigation, unless charges are forthcoming.

The MDT is also used to staff cases after resolution.

Each agency is to follow statute or established procedure regarding case closure.

## REFERENCES & APPENDIX

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### **RCW 7.69A.010 Legislative Intent**

The legislature recognizes that it is important that child victims and child witnesses of crime cooperate with law enforcement and prosecutorial agencies and that their assistance contributes to state and local law enforcement efforts and the general effectiveness of the criminal justice system of this state. Therefore, it is the intent of the legislature by means of this chapter, to insure that all child victims and witnesses of crime are treated with the sensitivity, courtesy, and special care that must be afforded to each child victim of crime and that their rights be protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protection afforded the adult victim, witness, or criminal defendant.

### **RCW 7.69A.030 Rights of child victims and witnesses. Agency-Procedure-Written records.**

In addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that child victims and witnesses are afforded the rights enumerated in this section. Except as provided in RCW 7.69A.050 regarding child victims or child witnesses of violent crimes, sex crimes, or child abuse, the enumeration of rights shall not be construed to create substantive rights and duties, and the application of an enumerated right in an individual case is subject to the discretion of the law enforcement agency, prosecutor, or judge. Child victims and witnesses have the following rights:

- (1) To have explained in language easily understood by the child, all legal proceedings and/or police investigations in which the child may be involved.
- (2) With respect to child victims of sex or violent crimes or child abuse, to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the child victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the child victim and to promote the child's feelings of security and safety.
- (3) To be provided, whenever possible, a secure waiting area during court proceedings and to have an advocate or support person remain with the child prior to and during any court proceedings.
- (4) To not have the names, addresses, nor photographs of the living child victim or witness disclosed by any law enforcement agency, prosecutor's office, or state agency without the permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child victim or witness.

- (5) To allow an advocate to make recommendations to the prosecuting attorney about the ability of the child to cooperate with prosecution and the potential effect of the proceedings on the child.
- (6) To allow an advocate to provide information to the court concerning the child's ability to understand the nature of proceedings.
- (7) To be provided information or appropriate referrals to social service agencies to assist the child and/or the child's family with the emotional impact of the crime, the subsequent investigation, and judicial proceedings in which the child is involved.
- (8) To allow an advocate to be present in court while the child testifies in order to provide emotional support to the child.
- (9) To provide information to the court as to the need for the presence of other supportive persons at the court proceedings while the child testifies in order to promote the child's feelings of security and safety.
- (10) To allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as child protection services, victim advocates or prosecutorial staff trained in the interviewing of the child victim.
- (11) With respect to child victims of violent or sex crimes or child abuse, to receive either directly or through the child's parent or guardian if appropriate, at the time of reporting the crime to law enforcement officials, a written statement of the rights of child victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county.

**RCW 26.44 et. al. Abuse of Children**

**RCW 5.60.060(7)(a through b) Privileged Communication – Sexual Assault Advocate**

**RCW 70.125 Victims of Sexual Assault Act.**



**FINAL - SIRR Protocol Rev. 052118.pdf**

# **SPOKANE INVESTIGATIVE REGIONAL RESPONSE TEAM**

**S.I.R.R. TEAM**



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**A PROTOCOL TO INVESTIGATE**

**OFFICER INVOLVED CRITICAL INCIDENTS**

**IN THE**

**SPOKANE REGION**

**(Revised 05/21/2018)**

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## **STATEMENT OF PURPOSE**

The focus of this Protocol is the investigative process, both criminal and administrative. This Protocol is not intended to alter or interfere with any agency's employer-employee relationship reflected in statute or a collective bargaining agreement. Any relevant statutes, case law ruling, department rules and/or policies, or contents of a collective bargaining agreement shall take precedence over this Protocol should the contents of this Protocol conflict.

This Protocol addresses the potential for one of the agency's officers becoming involved in a critical incident, either within or outside of their jurisdiction. The amount of personnel and other resources used to investigate them lends itself to the use of outside resources. This Protocol allows and, in some circumstances, requires, the use of outside personnel to assist in these investigations.

This Protocol and the related procedures are presented for your consideration. It is believed they are sound and take into consideration most of the major concerns related to officer-involved critical incidents and their investigation. Permission is hereby granted to law enforcement agencies in other regions to copy, use, modify, or alter them as needed to address the needs of their region or jurisdiction.

### **GOALS OF THE SPOKANE INVESTIGATIVE REGIONAL RESPONSE (SIRR) TEAM:**

To investigate incidents following the Officer Involved Critical Incident Protocol Manual adopted by the below listed Board of Directors and Membership Agencies.

- To ensure public trust by conducting professional and consistent multi-jurisdictional investigations of major incidents, primarily officer-involved critical incidents.
- To maximize the availability and sharing of the latest technological equipment and techniques.
- To consolidate and share the skills of the most experienced supervisors and investigators.
- To ensure thorough investigations are conducted in a timely manner.
- To provide an independent investigation of facts to the Prosecutor's Office for review.

## **BOARD OF DIRECTORS:**

The Board of Directors of the Spokane Investigative Regional Response Team shall consist of:

- The Spokane County Sheriff or his/her designee
- The Spokane Police Chief or his/her designee
- The Washington State Patrol Captain assigned to the Spokane District or his/her designee

Representatives of the Prosecutor's Office and the Medical Examiner's Office will be invited to all board meetings and their input will be solicited. For voting purposes and decision-making, it will be the majority rule of the Board of Directors.

The Chairman of the Board of Directors will rotate every two years between Spokane Police Department, Spokane County Sheriff's Office, and Washington State Patrol. The Chairman of the Board of Directors shall schedule a meeting of the Board in January of each year. The purpose of the meeting will be to receive a comprehensive report from the SIRR Team Commander concerning activities of the Team over the past year, address issues pertaining to the operation and support of the Team and address changes to the SIRR Team protocol. Special meetings may be called at any time by the Chairman of the Board. Special meetings may also be requested by the SIRR Team Commander.

## **SIRR TEAM COMMANDER:**

The SIRR Team Commander shall be a sergeant or lieutenant in command of the homicide unit of either the Spokane County Sheriff's Office or the Spokane Police Department, or the Washington State Patrol FOB lieutenant/CID Eastern Region lieutenant. The Commander position will rotate every two years between the three listed departments. At the discretion of the Board of Directors, that assignment length can be adjusted. The Commander has the overall responsibility to manage and coordinate readiness and training of the team. The SIRR Team Commander reports to the Board of Directors. Currently, the Spokane County Sheriff's Office will be in command until 01/01/2020, at which time the Spokane Police Department will assume command for the next two year period.

## **MEMBERSHIP AGENCIES:**

- Stevens County Sheriff's Office
- Liberty Lake Police Department
- Colville Police Department
- Airway Heights Police Department
- Cheney Police Department
- Eastern Washington University Police Department
- Lincoln County Sheriff's Office

- Pullman Police Department
- Whitman County Sheriff's Office
- Pend Oreille County Sheriff's Office
- Ferry County Sheriff's Office
- Washington Department of Fish and Wildlife Region One
- Spokane County Detention Services
- Washington State University Police Department

## **ACTIVATION:**

1. Automatic and Immediate - Upon the occurrence of an Officer-Involved Critical Incident, the invocation of this Protocol is automatically and immediately in effect, upon the request of the Employer Agency.
  - A Chief of Police or the Sheriff, WSP District Commander, or their designee shall make the request for the SIRR Team to the Spokane Combined Communication Center. Contact telephone number: (509) 532-8930
  - Dispatch shall contact the SIRR Team Commander through the standard call-out instructions.
  - The Investigating Agency shall assign a Supervisor as the Lead Supervisor. The Lead Supervisor shall be responsible for determining how many investigators will be needed. In cases of officer involved fatalities, the Lead Supervisor shall not be from the employing agency
2. Invocation When Not Required
  - Each member agency of this agreement may invoke this Protocol upon the occurrence of any critical event involving a law enforcement employee which may have possible criminal liability attached. Upon this unilateral invocation, the matter will be investigated under the provisions of this Protocol.
  - In lieu of invoking this Protocol, the involved agency may investigate the matter by itself or seek aid from other agencies outside of the Protocol's requirements.
3. Upon The Request of a Jurisdiction which is not a member of the SIRR Team - The request for investigative assistance in an officer involved critical incident would have to be made by the appropriate head of the involved agency to the Spokane Police Department, Spokane County Sheriff's Office, or the Washington State Patrol.

**AUTHORITY:** Once the SIRR Team has agreed to investigate an incident as requested by the Employer Agency representative, the SIRR Team shall have sole and exclusive authority concerning the investigation of the incident.

## **EMPLOYER AGENCY RESPONSIBILITIES:**

- The Employer Agency shall make the initial request for the SIRR Team.
- The Employer Agency shall provide an Incident Commander.
- The Employer Agency shall make all department personnel available to the SIRR Team.
- The Employer Agency shall be responsible for all reasonable investigative expenditures.
- The Employer Agency shall make all documents, reports and information available to the SIRR Team.
- The Employer Agency shall allow use of space and equipment as needed by the SIRR Team.

**COSTS:** Each participating agency shall be responsible for their employees' wages and associated costs. Any non-routine costs shall be the responsibility of the employer agency.

## **EVIDENCE:**

- Evidence Storage: All evidence shall be stored under the control of the Spokane Police Department's Property Room. The employer agency shall be responsible for storage and handling costs of extraordinary items such as vehicles, HAZMAT, etc.
- Evidence Retention: No evidence shall be released or destroyed without consent or agreement of the other agencies involved in the investigation. Once the criminal prosecution is completed, all property owned by private citizens will be released in accordance to State law.

## **CASE FILES:**

- All original reports, statements and other documentation shall be filed and maintained by Spokane Police Department Records.
- Copies of all case files shall be made available to the employer.
- The Prosecutor's Office can request a working copy of the case file prior to its completion.
- The complete investigation will be sent to the Prosecutor's Office.

**INVESTIGATIVE PRIORITY:** The Criminal Investigation has investigative priority over the Administrative Investigation and it begins immediately after an incident has occurred. The Criminal Investigation is performed by the SIRR Team headed by a lead detective and assistant lead detective appointed from the SIRR Team. The lead detective will not be from the Employer Agency. The incident will be supervised by a sergeant and lieutenant from a non-Employer Agency.

Investigators assigned to conduct the Administrative Investigation will be provided access to the scene at the discretion of the lead agency, typically after the scene has been processed by criminal investigators.

**INVESTIGATIVE GOALS:** The goal of the investigation is to develop all available relevant information about the incident. When the investigation is completed, including all forensic testing, toxicology report and autopsy report, the case will be submitted to the County Prosecutor.

1. The County Prosecutor will make a final determination on the presence or absence of criminal liability on the part of those involved in the incident, specifically:
  - To determine whether the nature and the quality of the conduct involved is prohibited by statutes which provide for criminal penalties upon conviction; and
  - If criminal conduct does exist, determine the identity of the person(s) responsible for that conduct; and
  - If criminal conduct does exist, determine the degree of crime(s), the existence of any factual or legal defenses to that crime, and the presence or absence of any factors which would mitigate or aggravate punishment for that crime.
2. While the Criminal Investigators do not direct their investigative attention to Administrative concerns, it is recognized that the Criminal Investigation's results are of proper interest to Agency Management for its internal use, and those results are fully available for that purpose.

**INVESTIGATOR'S MEETING:** After the initial scene has been processed, the lead detective will conduct a briefing with the primary investigators to determine what has been accomplished and what still needs to be accomplished to complete the investigation. Attendees to this meeting will consist of the investigative lieutenants, sergeants, and key detectives involved in the investigation.

**COMMAND STAFF BRIEFING:** The purpose of this briefing is to advise the agency heads of the status of the incident and to determine what information is appropriate for the media releases. Subsequent command staff briefings will occur if there are critical or substantial developments in the investigation. Otherwise, the involved agency or command staff will be briefed by their representative on the investigative team.

**INVESTIGATIVE REQUIREMENTS:** The investigation is required to follow the rules of law which apply to all criminal proceedings; these include constitutional, statutory, and case law.

Detectives will maintain the integrity of the investigation by following the rules of evidence throughout the investigation and consulting with and obtaining the permission of the prosecutor prior to releasing any evidence, to include 911 tapes, witness statements, video, body camera footage/video, etc.



The investigation will be performed in a manner that provides a thorough, fair, complete, and professional investigation, free of conflicts of interest.

**RESPONSE BY SIRR TEAMS:** Once a SIRR Team activation has been authorized, the SIRR Team Supervisors will direct resources to the investigation. The type of resources and number of investigators needed shall be determined and coordinated by SIRR Team Supervisors. If additional resources are needed, that will be at the discretion and direction of the lead supervisor.

**ASSIGNMENT OF LEAD DETECTIVES AND ASSISTANT LEAD DETECTIVES:** Assignment of primary investigators is of great importance. Generally, the best available investigators should receive the assignment. The City, County and State will provide sufficient training so that the investigative skills of City, County and State employee SIRR Team members will be sufficient to meet best practices in the investigation of critical incidents.

**VEHICLE COLLISION INCIDENTS:** Vehicle collisions, where law enforcement actions are the proximate cause of the critical incident, shall be investigated by SIRR Team members. They may be joined by collision investigation specialists from any member agency. The vehicle collision investigation specialists have the primary responsibility for documentation, collection, and preservation of physical evidence.

**SCENE SECURITY:** The jurisdiction in which the incident occurred will have the responsibility for immediately securing crime scene(s) within its territorial jurisdiction. This responsibility includes preservation of the integrity of the scene(s) and its/their contents, controlling access to the scene(s), and the identification and separation of witnesses.

**PHYSICAL EVIDENCE COLLECTION, PRESERVATION, AND ANALYSIS:** Applicable agencies having the capability to assist lead investigators in the documentation of the scene(s) and for assisting in the collection, preservation, and analysis of physical evidence should do so.

Prior to final relinquishment of the scene, the lead detectives, crime scene detectives and SIRR Team Supervisors will confer to determine if the collection of evidence is complete.

**PUBLIC SAFETY STATEMENT:** If first responding supervisors compel a public safety statement, this statement will be delivered to the Employer Agency investigative supervisor for review and dissemination.

**SCENE PERIMETER:** The scene(s) must be secured immediately, with a perimeter established for each scene a sufficient distance away to safeguard evidence. In most circumstances an inner (evidence) perimeter and an outer (control) perimeter are preferable.

1. Access to the inner (evidence) perimeter of the scene(s) must be limited only to personnel who must enter for investigative purposes as authorized by the Incident Commander or, later, by the SIRR Team. A written report shall be produced by anyone entering the crime scene.
2. A written log will be established as quickly as possible to identify all persons entering the inner (evidence) perimeter of the scene(s), the time of their entry and exit, and the reason for entry.

#### **FIREARMS:**

1. In shooting incidents, the investigator shall examine the firearms of all officers who were involved in firing their weapon(s) at the time of the incident to ensure that all discharged firearms are identified and collected. All discharged weapons will be placed in police property in adherence to Property Room procedures. Equipment taken from an officer for evidence will be replaced by the Employer Agency in accordance with their policies.
2. Firearms which do not need to be retained in evidence, as determined by the SIRR Team in consultation with the Prosecutor's Office, will be returned to a designated representative of the Employer Agency promptly after testing has been completed.

#### **TRANSPORTATION AND SEPARATION OF INVOLVED OFFICERS:**

Involved or Witness Officers will be transported to their own agency station in a timely manner. These officers shall avoid conversation regarding the incident.

#### **INTERVIEWING LAW ENFORCEMENT EMPLOYEES:**

1. Generally speaking, it is the intent of the SIRR Team to obtain details of any officer involved incident as soon as possible after the event by interviewing and obtaining reports/statements from involved officers and witness officers.
2. SIRR Team investigators should always give the Involved Officer(s) the opportunity to provide a voluntary statement or give details of the incident at any point during the investigation. If the Involved Officer has invoked his/her right to counsel, such requests must be coordinated through such counsel.
3. The SIRR Team does not have the authority to issue "Garrity" orders to Involved Officers. This can only be done by the Involved Officer's agency head or designee.

4. The Investigative Supervisor shall be advised prior to a “Garrity” order being given to an involved officer.
5. Investigators shall attempt to interview and audio record any primary witness officers to the incident.

**EMPLOYEE RIGHTS:** Law enforcement employees have the same rights and privileges regarding SIRR Team interviews that any other citizen would have, including the right to remain silent, the right to consult with an attorney prior to an interview and the right to have an attorney present during the interview.

**THE COUNTY PROSECUTING ATTORNEY’S OFFICE:** The County Prosecutor’s Office has the following roles in SIRR Team investigations:

1. Assist and advise the investigative teams on various criminal law issues which may arise, such as Miranda, Garrity, voluntariness, search and seizure, probable cause to arrest, detentions and releases, elements of crimes, immunity, and legal defenses.
2. Upon completion of the Criminal Investigation, analyze the facts of the incident as well as the relevant law to determine if criminal charges are appropriate. If so, prosecute as appropriate.
3. The SIRR Team will contact the Spokane County Medical Examiner's Office on any fatal incidents to respond to the scene, take custody of the body, and conduct their investigation.

#### **REPORT WRITING:**

1. All individuals participating in the criminal investigation will write reports documenting their participation.
2. The investigators within each investigative team will allocate and divide among themselves the responsibility for documenting interviews and observations.
3. Prompt completion and distribution of reports is essential. All involved agencies and investigators will strive for report completion and distribution within 7 days of any investigative activity. The Medical Examiner’s report may be delayed beyond 30 days pending results of some scientific tests.

#### **MEDIA RELATIONS:**

1. SIRR TEAM: Once the SIRR Team has initiated an investigation, all SIRR Team media releases related to the investigation shall be made by the Public Information Officer (PIO) or other official designee from the lead investigation agency with the approval of the SIRR Team Commander for that incident. The SIRR Media Release Template will be used whenever appropriate (see Attachment A). The SIRR Team will release information typically on the day of the incident, an intermediate news release,

and then a conclusory release when the complete investigation is sent to the prosecutor.

It shall be the responsibility of the Employer Agency to determine when the involved officers' names will be released to the public, pursuant to their policies and procedures.

2. **THE EMPLOYER AGENCY:** The Employer Agency's PIO or other official designee will have the opportunity to make an initial release of information, both in person and through media release, in coordination with SIRR team supervisors. This will not be construed as a SIRR Team release.

The Employer Agency may release information regarding the Involved Officer's employment history and related performance as an employee. The Employer Agency is prohibited from releasing information that could affect the integrity of the investigation.

### **SANCTIONS/REMOVAL OF AGENCY:**

Willful violations of the protocol agreement will be brought to the attention of the Board of Directors by the SIRR Team Supervisors. The SIRR Team Board of Directors, by majority, may elect to immediately stop the investigation and turn the investigation over to the Employer Agency. An agency failing to abide by this agreement may also be removed from the SIRR Team by vote of the Board of Directors.

### **THE ADMINISTRATIVE INVESTIGATION:**

The Administrative Investigation will be subordinate to the Criminal Investigation.

### **DEFINITIONS:**

- **"Employer Agency"**  
The agency by whom the involved law enforcement employee (actor) is employed or with which he/she is affiliated.
- **"Involved Officer"**
  - A person whose act is a "factual proximate cause" of a serious bodily injury or fatal injury to another person; or
  - A person who intends that his/her act be a "factual proximate cause" of serious bodily injury or death to another person, who is actually killed by another; or
  - A person who has had physical contact with a suspect who subsequently dies in police custody

- **“SIRR Team Supervisors”**

SIRR Team Supervisors shall be sergeants and lieutenants from the Spokane County Sheriff's Office, the Spokane Police Department, and the Washington State Patrol. The sergeants from the Spokane County Sheriff's Office – Crimes Against Persons Unit, the Spokane Police Department – Major Crimes Unit, and the Washington State Patrol – Criminal Investigation Division will be assigned as the SIRR Team Supervisors.

- **“SIRR Team Detectives”**

SIRR Team Detectives shall be detectives who are currently assigned to the Crimes Against Persons Unit of the Spokane County Sheriff's Office, the Major Crimes Unit of the Spokane Police Department, and Criminal Investigation Division of the Washington State Patrol's Spokane district.

- **“Subject”**

The person who is injured by the act of the Involved Officer, whether or not this injury is intentional.

# SPOKANE INVESTIGATIVE REGIONAL RESPONSE TEAM

## S.I.R.R. TEAM



---

### Initial SIRR Statement Template:

At approximately ((TIME)), ((LAW ENFORCEMENT AGENCY)) responded to ((LOCATION)) regarding a report of ((INITIAL CALL TYPE)).

OUTLINE VERY BASICS OF INCIDENT AS THEY APPEAR IN CAD

IF LIFESAVING MEASURES WERE TAKEN, PLEASE INDICATE – STICK TO INFORMATION IN CAD

This is preliminary information based on initial reports of the incident.

This is an ongoing investigation.

The Spokane Investigative Regional Response Team (SIRR Team) will investigate this incident.

The SIRR Team is comprised of the Washington State Patrol, the Spokane Police Department, Spokane County Sheriff's Office, and other member agencies.

The lead investigating agency is ((LEAD INVESTIGATIVE AGENCY)).

### IF APPLICABLE, THE FOLLOWING CAN ALSO BE RELEASED:

The Spokane County Medical Examiner will release the name of the deceased individual as well as the official cause of death.

## **Access\_Manual.pdf**

# Spokane County SO Policy Manual

Spokane County SO Policy Manual

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