

Kittitas County Sheriff's Office

Kittitas County SO Policy Manual

LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my agency. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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MISSION, VISION AND VALUES

MISSION

To protect all people, keep the peace and uphold the Constitution of the United States

VISION

A physical infrastructure and agency culture that allows us to provide the same level of service to our community that we would provide to our own family.

CORE VALUES

Integrity, Trust, Community

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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 Kittitas 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 Kittitas 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 peace 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 a peace 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 after confirming the existence and extradition. A peace officer making an arrest must inform the person that the peace officer is acting under the authority of a warrant and must provide the person with a copy of the warrant at the time of the arrest or arrival at the holding facility.

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 KITTITAS COUNTY SHERIFF 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.

100.5 OTHER DEPUTY COMMISSIONS

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

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and return to the Sheriff's Administrative Sergeant 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 Kittitas 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.

Law Enforcement Certification

101.1 PURPOSE AND SCOPE

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

Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

It is the policy of the Kittitas 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.

102.3 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.

102.4 MAINTENANCE OF RECORDS

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

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Kittitas 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 office. All members are to conform to the provisions of this manual.

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

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.3 AUTHORITY

The Sheriff shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Sheriff or the authorized designee is authorized to modify this manual with immediate effect, provided that notification of the modification is sent to all members.

If unable to immediately modify this manual, the Sheriff or the authorized designee is also 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.

103.4 DEFINITIONS

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

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Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations.

County - The County of Kittitas.

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

CJTC - The Criminal Justice Training Commission.

DOL - The Department of Licensing.

Employee/personnel - Any person employed by the Kittitas County Sheriff's Office.

Juvenile - Any person under the age of 18 years.

KCSO - Kittitas County Sheriff's Office

Manual - The Kittitas County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Kittitas County Sheriff's Office, including full-time sworn deputies, reserve deputies, non-sworn employees and volunteers.

Deputy - Those employees, regardless of rank, who are sworn peace officer employees of the Kittitas 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.

SRT - Special Response Team

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

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

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

USC - United States Code.

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

WSP - The Washington State Patrol.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on CAMAS 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.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

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

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

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

All office members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Chief Deputies, 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 provide for the best possible service to the public.

200.2 DIVISIONS

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

- Administration Division
- Civil Division
- Operations Division
- Jail Division

200.2.1 SHERIFF'S COMMAND

The Kittitas County Sheriff's Office Divisions are commanded by the Sheriff.

200.2.2 ADMINISTRATION DIVISION

The Administration Division is managed by the Administrative Chief Deputy, whose primary responsibility is to provide general supervision and direction to clerical and fiscal staff in the areas of Administrative Services, Records, Quartermaster and Supplies, Facility Management, Budget and Finance, and Civil Process.

The Administrative Chief Deputy is a civilian position appointed by the Sheriff. This position reports directly to the Sheriff.

The Administrative Chief Deputy develops and oversees the implementation of initiatives, processes and procedures to enhance the efficiency and effectiveness of all sections of the Administrative Division.

The Inspector is a fully commissioned general authority Washington Peace Officer appointed by the Sheriff. The position reports directly to the Sheriff.

The Inspector is responsible for legal and policy compliance with respect to finance, acquisition, property, procedures, operations, and personnel. Also responsible for capitol project management.

The Inspector provides general supervision and direction to the Sheriff's Information Technology Section and the Property and Evidence Section.

200.2.3 CIVIL DIVISION

The Civil Division is managed by the Civil Chief Deputy whose primary responsibility is to provide general supervision and direction to the Civil Division. The Civil Division includes the Fire Marshall's Office and the Emergency Management Division.

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The Civil Chief Deputy is a fully commissioned general authority Washington Peace Officer appointed by the Sheriff. This position reports directly to the Sheriff.

The Civil Chief Deputy is responsible for Emergency Management, to include the maintenance of the Comprehensive Emergency Management Plan, and will plan, develop and coordinate multi-hazard emergency response and recovery activities of the Sheriff's Office. Also, will attend regional and local Emergency Management Meetings and coordinate all fiscal year grants and budgets associated with Emergency Management.

The Civil Chief Deputy assists in the oversight and direction of the Sheriff's Office Civil functions.

200.2.4 OPERATIONS DIVISION

The Operations Division is managed by the Operations Chief Deputy whose primary responsibility is to provide general supervision and direction to Patrol Sergeants, Corporals, and Deputies. The Operations Division consists of: Uniformed Patrol group; Major Crimes Unit; Traffic Enforcement; Marine/Swiftwater units; Tactical Response Team; Off-road Vehicle Patrol; US Forest Service Patrol; Search And Rescue; Reserve Deputies; Citizen Patrol; and other specialty units.

The Operations Chief Deputy is a fully commissioned general authority Washington Peace Officer appointed by the Sheriff. This position reports directly to the Sheriff.

The Operations Chief Deputy plans and directs the Patrol Division and the Major Crimes Unit, assuring that supervisors have scheduled staff accordingly and are ready and prepared for duty.

The Operations Chief Deputy continuously analyzes and evaluates operations, actions and trends related to the effective utilization of the Sheriff's Office personnel, funds, materials, facilities and time to ensure the efficiency and adequacy of services. Duties also include the review of the operations budget and fiscal practices which allow the maintenance of a balanced operational budget, review and suggestions for the revision of policies and procedures in support of the Sheriff's mission, goals and objectives.

200.2.5 JAIL DIVISION

The Jail Division is managed by the Jail Superintendent whose primary responsibility is to provide general supervision and direction to the Jail Division. The Jail Division consists of the Jail Facility, Jail Budget, Jail Staff, and Courthouse Security.

The Jail Superintendent is a specially commissioned deputy, appointed by the Sheriff and reporting directly to the Sheriff.

The Jail Superintendent is responsible for the Jail Division Budget management, development and maintenance of the Jail Division policy and procedures, and the general management and direct supervision of the Jail Division.

The Jail Superintendent directs and approves the operation of the Jail, and develops, implements and coordinates inmate programs and activities.

200.3 COMMAND PROTOCOL

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200.3.1 ORDERS

Members shall respond to and make a good faith, reasonable effort to comply with the lawful orders of superior deputies and other proper authorities. If an order is believed to be unlawful or if an order conflicts with a standing lawful order, consult policy 319.3.1 UNLAWFUL OR CONFLICTING ORDERS.

200.3.2 RANKS OF AUTHORITY AND COMMISSIONS

Sheriff - The chief executive officer and keeper of the peace of Kittitas County, elected by the citizens of Kittitas County.

COMMAND PERSONNEL:

Sheriff's Administrative Assistant - a civilian employee appointed by the Sheriff, reporting to the Sheriff.

Operations Chief Deputy - a Patrol Deputy appointed by the Sheriff, reporting to the Sheriff.

Civil Chief Deputy - a Patrol Deputy appointed by the Sheriff, reporting to the Sheriff.

Administrative Chief Deputy - a civilian employee appointed by the Sheriff, reporting to the Sheriff.

Inspector - a Patrol Deputy appointed by the Sheriff, reporting to the Sheriff.

Jail Superintendent - a specially commissioned deputy appointed by the Sheriff, reporting to the Sheriff.

PATROL DEPUTIES:

Patrol Deputy - a general authority Washington peace officer (RCW 10.93.020) commissioned by the Sheriff to enforce the laws of Washington State. Patrol Deputies are selected from a certified civil service list. Patrol Deputies report to deputies of higher rank within the units and squads to which they are assigned.

Detective - a Patrol Deputy assigned by the Sheriff to investigative tasks, reporting to an assigned first level supervisor.

Patrol Corporal - a Patrol Deputy selected by the Sheriff from a certified civil service list responsible for first level supervisory tasks, reporting to a Patrol Sergeant.

Patrol Sergeant - a Patrol Deputy selected by the Sheriff from a certified civil service list responsible for first level supervisory tasks, reporting to the Operations Chief Deputy.

JAIL DEPUTIES:

Jail Deputy - a corrections officer (RCW 10.93.020) selected by the Sheriff from a certified civil service list, commissioned by the Sheriff for the care and custody of inmates and the security of the jail facility. Jail Deputies report to deputies of higher rank within the units and squads to which they are assigned.

Jail Corporal - a Jail Deputy selected by the Sheriff from a certified civil service list responsible for first level supervisory tasks, reporting to a Jail Sergeant.

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Jail Sergeant - a Jail Deputy selected by the Sheriff from a certified civil service list responsible for first level supervisory tasks, reporting to a Jail Lieutenant.

Jail Lieutenant - a Jail Deputy selected by the Sheriff from a certified civil service list responsible for assisting with the management of the Jail and supervision of Jail Sergeants. Jail Lieutenants report to the Jail Superintendent.

COURTHOUSE SECURITY DEPUTIES:

Courthouse Security Deputy - a specially commissioned deputy (RCW 10.93.020) selected by the Sheriff from a certified civil service list, responsible for the safety of the public and county employees in the county courthouse and other county facilities. Courthouse Security Deputies report to the Courthouse Security Sergeant.

Courthouse Security Sergeant - a Courthouse Security Deputy selected by the Sheriff from a certified civil service list responsible for first level supervisory tasks, reporting to the Jail Superintendent.

CLERICAL AND TECHNOLOGY PERSONNEL:

Law Enforcement Clerk - a civilian employee selected by the Sheriff from a certified civil service list responsible for clerical, fiscal, and customer service functions, reporting to the Administrative Chief Deputy or, if assigned to the Jail Division, to the Jail Lieutenant.

Control Room Clerk - a civilian employee selected by the Sheriff from a certified civil service list responsible for operation of the Jail's control room and for assigned clerical and fiscal functions, reporting to supervisory staff of the Jail Division.

Law Enforcement Systems Administrator - a civilian employee selected by the Sheriff from a certified civil service list, responsible for administration and support of technologies in all Divisions of the Sheriff's Office and other county agencies and facilities as assigned, reporting to the Inspector.

CIVIL DIVISION PERSONNEL:

Fire Marshal - an employee authorized by special commission to investigate and enforce violations of civil fire code violations and civil fire law violations, responsible for oversight of fire safety inspections and determination of fire causes and origins, reporting to the Civil Chief Deputy.

Deputy Fire Marshal - a civilian employee selected by the Sheriff from a civil service list responsible for fire safety inspections and fire investigations, reporting to the Fire Marshal.

Emergency Management Specialist - a civilian employee selected by the Sheriff from a civil service list, responsible for planning and preparation for and response to emergencies in Kittitas County, reporting to the Civil Chief Deputy.

200.3.3 DEPUTY IN CHARGE (DIC)

A Deputy In Charge (DIC) may be designated when it is expected there will be no patrol supervisor on duty or in service during at least eight continuous hours of a patrol shift. The DIC will be selected

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by the Sheriff or his/her designee. When a shift lacks a supervisor for eight or more hours and no DIC has been designated in advance, the most senior deputy working at least eight unsupervised hours shall be the DIC.

In addition to regular patrol functions, the DIC performs limited first-level supervisory functions including:

- Assign tasks to deputies based on their abilities to complete the assignment
- Assist deputies with criminal investigations and techniques
- Coordinate assignments on cases where more than one deputy is involved
- Implement and coordinate daily patrol activities
- Request, coordinate and manage additional and external resources as necessary
- As early as reasonably possible, notify an off-duty supervisor of significant events including but not limited to: pursuits, suspicious deaths, complex cases or investigations, and significant Uses of Force
- Ensure command staff notification of significant incidents (see Major Incident Notification policy #328)

200.3.4 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in this office. During planned absences the Sheriff will designate command authority to a Command staff member or Supervisor of his choosing.

200.3.5 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.

200.4 BUDGET CONTROL

The process of budget preparation is coordinated by Division Chiefs with full participation by financial and other personnel as required.

The Sheriff has the authority to spend funds in the approved budget for day-to-day operations of the office and makes regular reviews of the agency budget.

The Sheriff's Office participates with the Board of County Commissioners, the Auditor's Office, and other county entities to ensure orderly, accurate, and complete documentation of the flow of funds.

General Orders

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing General Orders.

201.2 RESPONSIBILITIES

201.2.1 COMMAND STAFF

Command staff shall periodically review General Orders to determine whether they should be incorporated into the Policy Manual and, as appropriate, will recommend necessary modifications to the Sheriff.

201.2.2 SHERIFF

Only the Sheriff or the authorized designee may approve and issue General Orders.

201.3 ACCEPTANCE OF GENERAL ORDERS

All members shall be provided access to the General Orders. Members shall acknowledge that they have been provided access to and have had the opportunity to review the General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

201.3.1 CONFIRMATION OF RECEIPT

Members are required to acknowledge in writing or electronically the receipt and review of any new General Orders. Signed acknowledgement forms and/or electronic receipts showing a member's acknowledgement shall be maintained by the Administrative Chief Deputy.

201.4 POLICY

General Orders will be used to modify policies of the Kittitas County Sheriff's Office when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Office. Applicable collective bargaining agreements, memorandums of understanding, and other alternatives should be considered before a General Order is issued.

201.5 PROTOCOL

General Orders will be incorporated into the Policy Manual, as required, upon approval. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded if incorporated into the manual.

The Inspector or the authorized designee should ensure that all General Orders are disseminated appropriately. General Orders should be numbered consecutively and incorporate the year of issue. All members will be notified when a General Order is rescinded or has been formally adopted into the Policy Manual.

Emergency Management Plan

202.1 PURPOSE AND SCOPE

This policy clarifies the role of the Kittitas County Sheriff's Office and responsibilities of its members pertaining to large-scale emergencies and the State of Washington's comprehensive emergency management plan.

202.2 POLICY

The Kittitas County Sheriff's Office will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

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.

202.2.1 KITTITAS COUNTY CODES

An emergency management organization has been established by the County of Kittitas. This ordinance has been approved by the County Council (WAC 118-30-040).

202.3 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 office.

202.3.1 RECALL OF PERSONNEL

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

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

202.4 LOCATION OF EMERGENCY MANAGEMENT PLAN

The Emergency Management Plan is available online and in printed copies at the administrative offices of the Sheriff's Office. All supervisors should familiarize themselves with the Emergency Management Plan and the roles members will play when the plan is implemented.

202.5 EMERGENCY MANAGEMENT PLAN REVIEW

The Sheriff or the authorized designee shall review the Emergency Management Plan Manual at least once every five years to ensure that the manual conforms to any revisions made by the

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emergency management organization (WAC 118-30-060). The Sheriff or the authorized designee should appropriately address any needed revisions.

202.6 TRAINING

The Office should provide periodic training on the Emergency Management Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Management Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop, or command staff discussion.

Training

203.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

203.2 POLICY

The Office shall administer a training program that will meet or exceed the standards of federal, state, and local training requirements. It is a priority of this office to provide continuing education and training for the professional growth and development of its members.

203.3 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 office members.
- (c) Provide for continued professional development of office members.

203.4 TRAINING PLAN

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for all members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

203.4.1 GOVERNMENT-MANDATED TRAINING

The following list, while not all inclusive, identifies training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

- (a) Federally mandated training:
 - 1. National Incident Management System (NIMS) training
- (b) State-mandated training:
 - 1. All deputies who are certified Peace Officers will successfully complete an annual in-service training program of no less than 24 hours (WAC 139-05-300).
 - (a) Successful completion of the CJTC's two-hour annual online crisis intervention course shall be included in the above 24 hours (RCW 43.101.427).
 - 2. All deputies who are certified Peace Officers must complete a minimum of 40 hours of continuing de-escalation and mental health training every three years as provided in WAC 139-11-020 and WAC 139-11-060.

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- (a) This training may substitute the annual 24 hours in-service requirement under WAC 139-05-300 in the year the deputy completes the 40-hour violence de-escalation training.
- 3. All supervisors and managers will complete appropriate training and obtain certification as required by CJTC (RCW 43.101.350).
- 4. Members who will serve as school resource officers shall receive training for school resource officers (RCW 28A.400.345).
 - (a) Training shall include the subject requirements of the safety and security staff training program developed by the educational service districts and be completed within the required timeframe (RCW 28A.310.515; RCW 28A.400.345).
 - (b) Training shall include review of applicable school district policies and procedures of duties and responsibilities of school resource officers (RCW 28A.320.124).
- 5. All deputies who are certified Peace Officers shall complete gender-based violence incident response training required by RCW 43.101.276.
- 6. Any request for exemption, waiver, extension, or variance from any requirement of CJTC training must be made under WAC 139-03-030 and corresponding information be made available to the public in accordance with the Records Maintenance and Release Policy (WAC 139-11-030).

203.5 TRAINING NEEDS ASSESSMENT

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

203.5.1 TRAINING ATTENDANCE

Select in-service training is mandatory. Employees will consider their training day as their duty assignment for that work day. Employees will notify their supervisor when they cannot attend training as scheduled. Employees and/or their supervisors will contact the training division to reschedule missed mandatory in-service training.

203.6 DAILY TRAINING BULLETINS

Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Kittitas 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 Training Manager.

Members assigned to participate in DTBs shall only use login credentials assigned to them by the Training Manager. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members 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:

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Members who are assigned to participate in the DTB program should complete each DTB assigned to them at the beginning of their shift or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and 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-enabled computer, members shall only take DTBs as part of their on-duty assignments unless directed otherwise by a supervisor.

All Jail Deputies are assigned to complete DTBs relating to the Custody Manual. Select Jail members may be assigned to complete DTBs relating to this policy manual at the discretion of jail Command staff.

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

203.7 TRAINING MANAGER

The Sheriff shall designate a Training Manager who is responsible for developing, reviewing, updating, and maintaining the office training plan so that required training is completed. The Training Manager should review the training plan annually.

203.8 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
 - 1. Court appearances.
 - 2. Previously approved vacation or time off.
 - 3. Illness or medical leave.
 - 4. Physical limitations preventing the member's participation.
 - 5. Emergency situations or office necessity.
- (b) Any member who is unable to attend training as scheduled shall notify their supervisor as soon as practicable but no later than one hour prior to the start of training and shall make arrangements through their supervisor or the Training Manager to attend the required training on an alternate date.

203.9 TRAINING RECORDS

The Training Manager is responsible for the creation, filing, and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

203.9.1 TRAINING DOCUMENTATION

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

- An overview of the course content and/or an instructor lesson plan.
- Names and agency contact information of all attendees.

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Training

- Instructor credentials or resume.
- Individual attendee test results (if applicable).
- A course completion roster.

Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Office electronic email system by employees of this office. 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 Office.

204.2 E-MAIL RIGHT OF PRIVACY

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

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

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

204.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire office are only to be used for official business related items that are of particular interest to all users and must be approved by the Sheriff or a Chief Deputy. 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 email, name and/or password by others.

204.4 EMAIL RECORD MANAGEMENT

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

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Electronic Mail

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

204.5 PERSONAL EMAIL

The use of personal cell phones, text message services and email 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 emails in a separate folder so that it is easy to differentiate between what is business and what is personal.

Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 E-MAILS

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

205.3 CORRESPONDENCE

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

205.4 SURVEYS

All surveys made in the name of the Kittitas County Sheriff's Office shall be authorized by the Command Staff.

Staffing Levels

206.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The 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 Office.

206.2 MINIMUM STAFFING LEVELS

There are no Minimum staffing levels set at this time. Staffing levels are set by the Shift Supervisor, taking in consideration, current work load, anticipated work load for up and coming patrol periods.

206.2.1 SUPERVISION DEPLOYMENTS

If a Sergeant is not on duty, a Corporal may act as the Shift Supervisor. In the absence of a supervisor, refer to 200.3.3 DEPUTY IN CHARGE (DIC)

Concealed Pistol License

207.1 PURPOSE AND SCOPE

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

207.2 QUALIFIED APPLICANTS

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

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

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

207.3 APPLICATION PROCESS AND RENEWAL

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

The Sheriff is required to check with the National Instant Criminal Background Check System, the Washington State Patrol (WSP) electronic database, the Department of Social and Health

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Services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or RCW 9.41.045, or is prohibited under federal law to possess a firearm and therefore ineligible for a concealed pistol license. This check applies for a new concealed pistol license or to renew a concealed pistol license.

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

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

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

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

207.3.1 REQUIRED WARNINGS

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

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

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

207.3.2 DOCUMENTATION AND FEES

The Sheriff shall deliver the original license to the licensee, within seven days send the duplicate to the Director of Licensing, and shall preserve the triplicate or other form prescribed by the

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Department of Licensing for six years after the license has expired, been voided or revoked, or as otherwise provided in the office's established records retention schedule (RCW 9.41.070(4)).

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

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

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

207.4 LICENSE RENEWAL

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

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

207.5 TEMPORARY EMERGENCY LICENSE

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

207.6 REVOCATION OF LICENSES

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

- (a) Discovery that the person was ineligible under RCW 9.41.070 for a concealed pistol license when applying for the license or license renewal.
- (b) Conviction of the licensee of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under RCW 9.41.040 to possess a firearm.
- (c) Conviction of the licensee for a third violation of RCW Chapter 9.41 within five calendar years.

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- (d) An order that the licensee forfeit a firearm under RCW 9.41.098(1)(d).
- (e) Upon notification from the Department of Licensing that the licensee has lost the licensee's right to possess a firearm as identified in RCW 9.41.047.
- (f) Receipt of an order to surrender and prohibit weapons or an extreme risk protection order, other than an ex parte temporary protection order, issued against the licensee.

207.6.1 INELIGIBILITY

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

207.6.2 FIREARM FORFEITURE

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

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

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

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

207.7 RECIPROCITY

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

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

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Concealed Pistol License

207.8 RESIDENCY

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

207.9 CONFIDENTIAL RECORDS

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

207.10 SUSPENSION OF LICENSES

The Sheriff shall suspend any license issued pursuant to this policy immediately upon notice from the Department of Licensing that the person has been detained under RCW 71.05.150 or RCW 71.05.153 on the grounds that the person presents a likelihood of serious harm due to a behavioral health disorder (RCW 9.41.049).

The license shall remain suspended for a period of six months from the date the person was released from the behavioral health disorder detention or upon notice from the Department of Licensing of a restoration order (RCW 71.05.182; RCW 9.41.047(3)(f)).

Seperated Employee Concealed Firearms

208.1 PURPOSE AND SCOPE

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

208.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to provide identification cards to qualified seperated deputies/lawman who were employed within the jurisdiction of Kittitas County. Those lawman not meeting this standard will be given WCJTC LEOSA information.

208.3 LEOSA

The Sheriff may issue an identification card for LEOSA purposes to any qualified Seperated deputy of this office, or seperated lawman assigned to Kittitas county who were formally employed by Washington State Patrol, the Washington State Department of Fish and Wildlife or police departments within Kittitas County, (18 USC § 926C(c)):

- (a) Separated from service in good standing.
- (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 the employing law enforcement agency.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this office where the deputy acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

208.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

208.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former deputy of this office, 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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Seperated Employee Concealed Firearms

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

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

208.4 WASHINGTON IDENTIFICATION CARD

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

- (a) Has retired from this office.
- (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 will be compliant with (RCW 9.41.060).

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

208.5 SEPERATED DEPUTY RESPONSIBILITIES

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

208.5.1 RESPONSIBILITIES UNDER LEOSA

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

- (a) Remain subject to all applicable office policies and federal, state and local laws.
- (b) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm

208.6 FIREARM QUALIFICATIONS

The qualification used has been qualified or otherwise found to meet the standards established by the Criminal Justice Training Commission for firearms qualification for the Basic Law Enforcement Training academy in the state of Washington. (RCW 36.28A.090).

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Seperated Employee Concealed Firearms

The Kittitas County Sheriff's Office records division will maintain a record of the applications.

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy is intended to provide clarity to deputies and promote safety for all by ensuring that available and appropriate de-escalation techniques are used when possible, force is used only when necessary, and the amount of force used is proportional to the threat or resistance the deputy encounters as well as the seriousness of the law enforcement objective that is being served.

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

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Chokehold - The intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway (RCW 10.116.020).

Deadly force - The intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury (RCW 9A.16.010).

De-escalation tactics - Actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident (RCW 10.120.010).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person.

Flight - An act or instance of running away in an effort to leave and intentionally evade law enforcement.

Immediate threat of serious bodily injury or death - Based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person (RCW 10.120.020).

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Necessary - Under the totality of the circumstances, a reasonably effective alternative to the use of force or deadly force does not appear to exist, and the type and amount of force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the deputy or others (RCW 10.120.010).

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Neck restraint - Any vascular compression or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow (RCW 10.116.020).

Physical force (referred to as "force" in this policy) - Any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. Physical force does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury (RCW 10.120.010).

Totality of the circumstances - All facts known to the deputy leading up to, and at the time of, the use of force, and includes the actions of the person against whom the deputy uses such force, and the actions of the deputy (RCW 10.120.010).

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 necessary and reasonable force in carrying out their duties.

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

300.3 USE OF FORCE

No policy can realistically predict every situation a deputy might encounter. Therefore, Deputies are entrusted to use well-reasoned discretion in determining the appropriate and reasonable use of force in each incident.

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

It is also recognized that circumstances may arise in which deputies reasonably believe it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions they confront. 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 be exposed to possible physical injury before applying reasonable force.

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300.3.1 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) Seriousness of the suspected offense or reason for contact with the individual.
- (c) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (d) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (e) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (f) The effects of suspected drug or alcohol use.
- (g) The individual's mental state or capacity.
- (h) The individual's ability to understand and comply with deputy commands.
- (i) Proximity of weapons or dangerous improvised devices.
- (j) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.
- (k) The availability of other reasonable and feasible options and their possible effectiveness.
- (l) Training and experience of the deputy.
- (m) Potential for injury to deputies, suspects, and others.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) The individual is visibly pregnant or claims to be pregnant.
- (s) The individual is a minor, appears to be a minor, or claims to be a minor.
- (t) The individual is known to be a vulnerable adult or appears to be a vulnerable adult as defined by RCW 74.34.020.
- (u) The individual has limited English proficiency.
- (v) The individual is in the presence of a child.
- (w) Any other exigent circumstances.

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300.3.2 DUTY OF REASONABLE CARE

A deputy shall use reasonable care when determining whether to use physical force or deadly force and when using any physical force or deadly force against another person. To that end, deputies shall:

- (a) Use all de-escalation tactics that are available and appropriate under the circumstances, before using physical force;
- (b) Use the least amount of physical force necessary to overcome resistance under the circumstances; and
- (c) Stop using physical force as soon as the necessity for such force ends.

Depending on the circumstances, "de-escalation tactics" may include, but are not limited to:

- (a) Using clear instructions and verbal persuasion;
- (b) Attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident;
- (c) Creating physical distance by employing tactical repositioning to maintain the benefit of time, distance and cover;
- (d) Designating one deputy to communicate in order to avoid competing commands;
- (e) Using available support and resources, such as a crisis intervention team, a designated crisis responder or other behavioral health professional; and
- (f) Requesting additional deputies (RCW 10.120).

The Duty of Reasonable care applies to deputies and other Peace Officers as defined in RCW 10.120.010. Jail Deputies and other jail employees should consider the principles of the Duty of Reasonable Care but are not bound by this law and policy.

300.3.3 PHYSICAL FORCE

A deputy may use physical force upon another person to the extent necessary to:

- (a) Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense;
- (b) Effect an arrest;
- (c) Prevent an escape as defined under chapter 9A.76 RCW;
- (d) Prevent a person from fleeing a lawful temporary investigative detention, or stop a person who is actively fleeing such a detention, provided the person has been given notice that he or she is being detained and is not free to leave;
- (e) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under RCW 71.05, 71.34, or 10.77;
- (f) Take a minor into protective custody when authorized or directed by statute;
- (g) Execute or enforce a court order authorizing or directing a peace officer to take a person into custody;
- (h) Execute a search warrant;

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- (i) Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes a deputy to use physical force to execute or enforce the directive or order; or
- (j) Protect against an imminent threat of bodily injury to the deputy, another person, or the person against whom force is being used (RCW 10.120.020).

This exclusive list of the lawful uses of physical force applies to Line Deputies and other Peace Officers as defined in RCW 10.120.010. Jail Deputies and other jail employees may use force in other circumstances, when necessary and reasonable.

300.3.4 DEADLY FORCE

A deputy may use deadly force only when necessary to protect against an immediate threat of serious physical injury or death to the deputy or another person.

An immediate threat of serious physical injury or death exists when, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person (RCW 10.120.020).

When feasible, the deputy shall, prior to the use of deadly force, make efforts to identify him/herself as a deputy and warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

If less lethal alternatives are available and appropriate under the circumstances, deputies shall use those alternatives before using deadly force. Deputies who are issued less lethal alternatives shall ensure they are reasonably available to be used.

300.3.5 MOVING VEHICLES

Deputies shall not discharge a firearm at a moving vehicle or its occupants unless the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle or of deadly force other than the vehicle that is directed at the deputy or others.

A vehicle is not considered a threat for purposes of this policy unless the operator is using it as a deadly weapon and there are no other reasonable means to immediately avoid that threat (RCW 10.116.060).

300.3.6 CHOKE-HOLDS AND NECK RESTRAINTS

A deputy may not use a choke-hold or neck restraint on another person in the course of his or her duties (RCW 10.116.020).

300.3.7 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the criminal destruction of evidence.

However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband.

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300.4 DUTY TO INTERCEDE AND REPORT

Any deputy present and observing another law enforcement officer or a member using or attempting to use 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 (RCW 10.93.190).

Any deputy who observes another law enforcement officer or a member use or attempt to use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (RCW 10.93.190).

A deputy shall not be disciplined for or retaliated against in any way for intervening in good faith or for reporting in good faith the unreasonable use of force by another law enforcement officer (RCW 10.93.190) (see the Anti-Retaliation Policy).

When observing or reporting force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.5 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe (RCW 10.93.190).

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or 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).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, 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.

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See the Medical Aid and Response Policy for additional guidelines.

300.6 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived the individual's *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 individual may pursue civil litigation. 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 noncompliance 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 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.

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To collect data for 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.

300.7.1 REPORTABLE USES OF FORCE

When a Use of Force includes any of the following circumstances, a supervisor should be notified as soon as feasible.

Each Deputy who uses or attempts to use force in any of these circumstances or any of these manners shall complete a Use of Force Report form and submit it to a supervisor before the end of shift.

- (a) Firearm discharged.
- (b) Firearm aimed at a person.
- (c) Conducted energy device probes deployed.
- (d) Conducted energy device used in 'drive/stun' mode.
- (e) Less lethal munitions discharged.
- (f) An impact weapon (baton or other) used to strike a person.
- (g) A vehicle was used to ram or intentionally strike a vehicle or person.
- (h) Canine bite on a person.
- (i) Canine deployed off-leash.
- (j) OC spray or CS gas deployed.
- (k) Blows or strikes with personal weapons (hands, feet or other body parts).
- (l) Forcible takedown (subject tackled, tripped or forced to the ground against active resistance).
- (m) Precision Immobilization Technique (PIT) Maneuver utilized.
- (n) "Spike Strips" or other Tire Deflation Device used on a moving vehicle.
- (o) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (p) Any use of force that causes a visible injury.
- (q) Any use of force that would lead a reasonable deputy to conclude the individual may have experienced more than momentary pain.
- (r) The individual subjected to force complained of injury or continuing pain.
- (s) The individual indicates intent to pursue litigation.
- (t) The individual subjected to force was rendered unconscious.

The Use of Force Report form exists to collect state-mandated data and enable the systematic documentation and tracking of why, how, and how often office members use force. It is not an allegation of wrongdoing.

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300.7.2 USE OF FORCE REVIEW PROCESS

A supervisor who receives a Use of Force Report form will review the portion completed by the deputy for completeness and accuracy, then forward the form to their Division Chief. The Division Chief will assign a Reviewer for the Use of Force

The Reviewer may draw on any appropriate and relevant evidence including but not limited to:

- (a) Deputy report(s)
- (b) Interview with the subject on whom force was used
- (c) Witness interview(s)
- (d) Other agency report(s)
- (e) Body-cam, Dash-cam, or other video
- (f) Medical records
- (g) Photos of deputies and subject(s)
- (h) Review by use of force instructors qualified in the relevant tactics or techniques

The Reviewer assembles and presents information relevant to these questions:

1. Was the Use of Force lawful?
2. Was the Use of Force within policy?
3. Was the Use of Force consistent with office training?

If the Reviewer finds evidence that the Use of Force was unlawful or outside policy, they shall immediately notify command staff of the possible need for an Administrative Investigation. If the Use of Force appears to be lawful and within policy, the Reviewer produces a Summary Report describing their review and conclusions. Training recommendations may be addressed in the reviewer's Summary Report. The review file is forwarded to the Sergeant of the deputy using force. The Sergeant may return it for further work or forward it to the Division Chief.

The Division Chief reviews the file and may either:

- Request further work or clarification;
- Refer the matter for Administrative Investigation; or
- Approve the review and forward it to the Sheriff for final review and approval.

300.7.3 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 (RCW 10.114.021).

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300.7.4 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC)

Notification shall be made to CJTC within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by a deputy (RCW 43.101.135). The Inspector shall ensure timely reporting of incidents determined by the Sheriff to qualify under this statute.

300.7.5 REPORTING TO WASHINGTON STATEWIDE USE OF FORCE DATA PROGRAM

The Office shall submit reports regarding use of force incidents as provided by RCW 10.118.030 to the Washington statewide use of force data program in the format and time frame established by the program (RCW 10.118.030).

300.8 TRAINING

Deputies will receive annual training on this policy and affirm their knowledge and understanding. Annual training shall include:

- (a) Legal updates.
- (b) De-escalation tactics, including reasonably effective alternatives to force (RCW 10.120.010).
- (c) The duty to intervene.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).
- (f) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (g) Exercising reasonable care in determining when to use force.
- (h) Evaluation of whether certain applications of force are reasonable and proportional to the threat or resistance.
- (i) Other subjects covered in this policy.

300.9 USE OF FORCE ANALYSIS

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

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

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

301.1.1 DEFINITIONS

Definitions related to this policy include:

Compression asphyxia - An inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by mechanically limiting expansion of the lungs through compressing of the chest and/or abdomen, interfering with breathing.

Positional asphyxia - An inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by a person being placed in a body position which compresses the person's airway and does not allow the person to breathe freely.

301.2 POLICY

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

301.3 USE OF RESTRAINTS

Only members who have successfully completed Kittitas 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.

301.3.1 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

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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.

301.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure themselves or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances, and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the detainee, deputies, or others. See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

301.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless suspected of committing a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure themselves, 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).

301.4 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.

Handcuffing and Restraints

301.5 APPLICATION OF SPIT GUARDS

A spit guard (sometimes referred to as spit hood, spit mask, or spit sock) is a woven mesh device which can be placed over a person's head and face with the intent of preventing or reducing the transmission of infectious disease through saliva, mucous, and blood. Deputies shall only use office-issued spit guards.

Spit guards 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.

Prior to application of a spit guard, a deputy should warn the individual, if feasible, and provide a reasonable time for the person to comply with the deputy's commands. If applied, the deputy shall remove the spit guard as soon as the threat of spitting or biting has ended, or the deputy observes that the spit guard is no longer necessary.

Deputies utilizing spit guards should ensure that the spit guard is fastened properly to allow for adequate ventilation, and that the restrained person can breathe normally. After application of a spit guard and when safe to do so, deputies shall move the individual into a seated or side recovery position. Deputies shall provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. For individuals in mental health crisis, application of a spit guard may provoke an elevated level of distress. Deputies should provide verbal reassurance and dynamically assess the situation to remove the spit guard as soon as appropriate. Deputies should avoid commingling those wearing spit guards with others and detainees.

Spit guards 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 that affects their breathing, or the person demonstrates symptoms of labored or distressed breathing. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit guard, the spit guard should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head, and clothing, prior to application of a spit guard.

Those who have been placed in a spit guard shall be continually monitored and shall not be left unattended until the spit guard is removed. In the event of a medical emergency, spit guards should be removed immediately. Spit guards shall be discarded after each use.

301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg restraints, 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.

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301.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints (e.g., hobble 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).

301.7.1 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 the person's stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person shall be continually monitored by a deputy while in the leg restraint (Washington State Office of the Attorney General Model Use of Force Policy). The deputy should ensure that the person does not roll onto and remain on the person's 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.

Deputies shall not connect or assist with connecting a leg restraint to handcuffs or other types of restraints (i.e., hog-tie an individual) (Washington State Office of the Attorney General Model Use of Force Policy; RCW 10.116.022).

301.8 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 handcuffs or other restraints shall be documented in the related report.

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Deputies should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

301.8.1 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.

301.9 TRAINING

The Training Manager 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 restraints, 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.
- (e) Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

301.10 POSITIONAL ASPHYXIATION AND COMPRESSION ASPHYXIATION

Consistent with training, deputies shall take action to reduce the risk of positional asphyxiation and compression asphyxiation.

- (a) As soon as safe and feasible after handcuffing or otherwise restraining a person in the prone position, roll the person to the side and move the person to an upright position that does not impede the mechanism of normal breathing, unless the person is unconscious.
- (b) Do not put prolonged pressure on the chest, neck, or back, including by sitting, kneeling, or standing.

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- (c) Continuously monitor the person's condition while being restrained, as death can occur suddenly and develop beyond the point of viable resuscitation within seconds. Monitoring includes but is not limited to assessing the adequacy of the individual's breathing, color, and any impairment as verbalized by the individual.
- (d) Do not transport a restrained person in the prone position.

Control Devices and Techniques

302.1 PURPOSE AND SCOPE

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

302.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy):

Oleoresin capsicum (OC) - An inflammatory agent that causes an intense burning sensation of the eyes, nose, mouth, and skin, which may result in closing, tearing, and swelling of the eyes, as well as choking, gagging, and gasping for breath.

Tear gas - Chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury. "Tear gas" does not include oleoresin capsicum (RCW 10.116.030).

302.2 POLICY

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

302.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

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

Only deputies who have successfully completed office-approved training and have demonstrated satisfactory skill and proficiency in the use of any control device are authorized to carry and use the device.

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

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

302.4 RESPONSIBILITIES

302.4.1 PATROL SERGEANT RESPONSIBILITIES

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

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302.4.2 RANGEMASTER RESPONSIBILITIES

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

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

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

When any Control Device in this policy is deployed, members shall request medical aid for evaluation and treatment of the affected subject if they complain of lasting pain or injury or there is reason to believe they may be injured or in lasting pain.

302.5 BATON GUIDELINES

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

When carrying a baton, uniformed personnel shall carry the baton in an authorized holder. 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.

302.6 OLEORESIN CAPSICUM GUIDELINES

As with other control devices, oleoresin capsicum 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 deputies or the public.

After the initial application of OC spray, each subsequent application must also be justified.

OC spray is not appropriate in an enclosed, highly populated space where there is a likelihood of impacting uninvolved persons, except where OC spray is the only available and appropriate force option. Deputies deploying OC will attempt to avoid or minimize incidental exposure to non-involved persons.

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302.6.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in an approved holster or holder. 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.

302.6.2 TREATMENT FOR OC SPRAY EXPOSURE

At the earliest safe opportunity at a scene controlled by law enforcement, a deputy shall take action to address the effects of the OC by flushing the person's eyes out with clean water and ventilating with fresh air, if possible. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

302.7 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.

302.8 KINETIC ENERGY PROJECTILE GUIDELINES

This office is committed to reducing the potential for violent confrontations. Kinetic energy projectiles are designed to stun, temporarily incapacitate, or cause temporary discomfort without penetrating the person's body. When used properly, kinetic energy projectiles 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.

302.8.1 DEPLOYMENT AND USE

Only office-approved kinetic energy launchers and munitions shall be carried and deployed.

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

Circumstances which may be 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 others or otherwise presents an articulable and credible threat to the safety of others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.

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- (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.

302.8.2 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.

302.8.3 SAFETY PROCEDURES FOR LESS-LETHAL SHOTGUNS

This Office issues both shotguns for use with lethal ammunition (see policy 307 FIREARMS) and "less-lethal" shotguns specifically designated for kinetic energy projectiles. Shotguns specifically designated for use with kinetic energy projectiles will be marked to be readily identifiable through the use of an orange butt-stock and fore-stock.

Deputies who are issued a less-lethal shotgun will periodically inspect the shotgun and projectiles 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 less-lethal shotgun will be in the patrol ready condition and securely stored in the vehicle. When deploying a less-lethal shotgun, the deputy shall visually inspect the kinetic energy projectiles to ensure conventional ammunition is not being loaded into the less-lethal shotgun.

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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.

302.9 TRAINING FOR CONTROL DEVICES

The Training Manager shall ensure that all personnel who are authorized to carry a control device have been properly trained, have demonstrated satisfactory skill and proficiency, are 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.

302.10 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.

302.11 TEAR GAS GUIDELINES

Deputies or other members are not authorized to use tear gas unless necessary to alleviate a present risk of serious harm posed by a (RCW 10.116.030):

- (a) Riot.
- (b) Barricaded subject.
- (c) Hostage situation.

Only the Patrol Sergeant, Incident Commander, or Crisis Response Team 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, and other alternatives to the use of tear gas have been exhausted (RCW 10.116.030).

Prior to any use, an announcement shall be made of the intent to use tear gas. Sufficient time and space shall be allowed for compliance with the announcement (RCW 10.116.030).

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.

Conducted Energy Device

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

303.1.1 DEFINITIONS

Conducted energy device (CED)- A portable device that fires darts/electrodes that transmit an electrical charge or current intended to temporarily immobilize a person (e.g., TASER device).

303.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to deputies and suspects than other force options.

303.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed office-approved training and have demonstrated satisfactory proficiency may carry the CED.

A deputy that is issued a CED is expected to carry it as an option to be considered when deadly force is not justified.

The CED program instructor or the office quartermaster should keep a log of CEDs and cartridges/magazines issued to members.

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

Deputies shall only use the CED and cartridges/magazines that have been issued by the Office. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed deputies who have been issued the CED shall wear the device in an approved holster on the support side of the body. When feasible, deputies shall draw, exhibit, and use the device with the support (i.e., non-handgun firing) hand.

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty handgun or any other device.
- (b) For single-shot CED's, whenever practicable, deputies should carry an additional cartridge on their person when carrying the CED.
- (c) Deputies should not hold a firearm and the CED at the same time.

Non-uniformed deputies may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

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303.3.1 USER RESPONSIBILITIES

Deputies shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, prior to the beginning of the deputy's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Rangemaster for disposition.

303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED 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 CED may be deployed.

If, after a verbal warning, an individual fails 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, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the display of a laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

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 CED in the related report.

303.5 USE OF THE CED

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

303.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the deputy at the time indicate that such application appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) 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, themselves, or others.

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

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

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303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED 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 potential 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) In any environment where a deputy knows or has reason to believe that a potentially flammable, volatile, or explosive material is present that might be ignited by an open spark, including but not limited to OC spray with a volatile propellant, gasoline, natural gas, or propane.
- (f) Individuals on an elevated surface (e.g., a ledge, scaffold, near a precipice), unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).
- (g) Individuals in water.
- (h) Operators in physical control of vehicles in motion, including automobiles, trucks, motorcycles, all-terrain vehicles, bicycles, and scooters, unless deadly force is justified.

The primary use of a CED is not as a pain compliance tool. Drive-stun mode should only be used when necessary to complete the incapacitation circuit where only one probe has attached to the person, where both probes attached in close proximity, or when no other alternatives to deadly force are available and appropriate.

303.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, deputies should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, chest, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

303.5.4 MULTIPLE APPLICATIONS OF THE CED

Deputies shall apply the CED for only one standard cycle of five seconds or less and then evaluate the situation before applying any subsequent cycles. Once a deputy has successfully deployed two probes on the subject, the deputy shall continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors deputies may consider include but are not limited to:

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- (a) Whether the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

Multiple applications of the CED increase the risk of serious bodily injury or death. Deputies should not intentionally deploy multiple CEDs at the same person, unless the first deployed CED clearly fails. A deputy shall consider other options if a person continues to be a threat after repeated deployments or attempted deployments of the CED, as the CED may not be effective against that person.

303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. Deputies shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

303.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

303.5.7 OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry office CEDs while off-duty.

Deputies shall ensure that CEDs 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.

303.6 DOCUMENTATION

Deputies shall clearly articulate and document the justification for each individual application of the CED in the related incident reports. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the required Use of Force Report. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented in the incident report. Data downloads from the CED after use on a subject should be done as soon as practicable using a office-approved process to preserve the data.

303.7 MEDICAL TREATMENT

At the earliest safe opportunity at a scene controlled by law enforcement, deputies trained in probe removal and handling may remove CED probes, unless probes are in a sensitive area, such as the head, breast, or groin. Probes in sensitive areas shall be removed by an emergency medical

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technician (EMT), paramedic, or other health care professional. Used CED 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 CED probes or subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes, 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 CED 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 shall be 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/video 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 CED (see the Medical Aid and Response Policy).

303.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Rangemaster and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

303.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial office-approved training and demonstrating satisfactory skill and proficiency. Any personnel who have not carried the CED as a part of their assignments for a period of two years or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

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

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

Application of CEDs during training could result in injuries and are not mandatory for certification.

The Training Manager should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws until proficient.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, chest, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (i) Proper tactics and techniques related to multiple applications of CEDs.

Officer-Involved Shootings and Deadly Force Incidents

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the review and investigation of any use of deadly force by a deputy. It outlines different procedures and responsibilities depending on whether or not a use of deadly force results in death or serious injury.

304.2 DEFINITIONS

Deadly Force means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury (RCW 9A.16.010).

Great Bodily Harm and **Substantial Bodily Harm** have the same meanings as in RCW 9A.04.110. **Serious Injury**, in this section, means either Great or Substantial Bodily Harm.

The **Central Basin Investigative Team (CBIT)** is a multi-agency Independent Investigative Team created to conduct investigations into officer involved uses of deadly force. Such investigations must be conducted independent of the personnel and resources of the involved agency (WAC 139-12-030). CBIT may conduct or participate in other types of investigations at the request of the Sheriff or designee.

The **Office of Independent Investigations (OII)** is a state agency with jurisdiction to investigate any use of deadly force by a peace officer or corrections officer in Washington State (RCW 43.102).

304.3 OFFICER INVOLVED SHOOTING AND DEADLY FORCE INVESTIGATIONS

The investigation of criminal conduct by the suspect in a deadly force incident is controlled by the agency in whose jurisdiction the crime occurred. If crimes have been committed in multiple jurisdictions, determination of which agency will control the investigation will proceed in the same way as with any other crime, in cooperation with the agencies serving those jurisdictions. If an incident involving deadly force occurs in Kittitas County, the Sheriff or designee may request the Central Basin Investigative Team (CBIT) or another Independent Investigative Team (IIT) to conduct the criminal investigation into suspect actions.

The Central Basin Investigative Team (CBIT) shall conduct the criminal investigation of the actions of the involved deputy or deputies in any use of deadly force where death or serious injury results. If multiple members of CBIT are ineligible to participate in the investigation because they were involved in the incident or have other conflicts of interest, the Sheriff or designee may request another IIT to conduct the investigation.

Administrative and civil investigations are controlled by the employing agency of each involved deputy or officer.

304.4 INCIDENTS CAUSING DEATH OR SERIOUS INJURY

The following are guidelines for the investigation of a deputy use of deadly force which results in death or serious injury.

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If it is unknown whether a deputy use of deadly force caused death or serious injury, it should be assumed that it did, and these processes followed until evidence to the contrary is found. For example: if a deputy fires shots at a suspect and is uncertain whether the suspect was seriously injured, assume the answer is yes and follow these processes until proof to the contrary is found.

304.4.1 UNINVOLVED DEPUTIES RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved KCSO deputy will assume the responsibilities of Deputy In Charge 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 Office 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.

304.4.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved KCSO 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.
- (b) If necessary, the supervisor may administratively order any KCSO deputy to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - (a) Public safety information shall be limited to information such as outstanding suspect descriptions and direction of travel, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other urgent and pertinent information.
 - (b) 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 Sergeant and Kittcom. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional KCSO members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) Protect and preserve evidence to maintain the integrity of the scene until CBIT arrives. This includes:
 - (a) Physical evidence that is at risk of being destroyed or disappearing, including evidence which may be degraded or tainted if left unprotected or unpreserved;
 - (b) Identification and contact information for witnesses to the incident; and

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- (c) Photographs and other methods of documenting the location of physical evidence and the location and perspective of witnesses.
- (f) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
- (g) 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.

304.4.3 SERGEANT RESPONSIBILITIES

Upon learning of a deputy use of deadly force resulting in death or serious injury, the Sergeant shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Sheriff or a Chief Deputy.

304.4.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief Deputy (notified by Supervisor on scene)
- Sheriff (notified by Chief Deputy)
- Office of Independent Investigations (notified by Chief Deputy)
- Central Basin Investigative Team (notified by Chief Deputy)
- County Prosecutor's Office
- Chaplain (if requested)
- Public Information Officer

304.4.5 WITNESS IDENTIFICATION

Because potential witnesses to an Officer Involved Shooting or other law enforcement use of deadly force may become unavailable or the integrity of their statements compromised over time, a supervisor should take reasonable steps to promptly coordinate deputies and other available law enforcement resources to identify all persons present at the scene and in the immediate area.

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.

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.

304.4.6 INVOLVED DEPUTY CONSIDERATIONS

The following shall be considered for the deputy who uses deadly force resulting in death or serious injury:

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

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- (a) Involved KCSO deputies shall not meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
- (b) Requests from involved non-KCSO 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 Office to each involved KCSO deputy. A licensed psychotherapist may also be provided to any other affected KCSO 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 Office 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 KCSO deputy shall be given reasonable paid administrative leave. It shall be the responsibility of the Sergeant to make schedule adjustments to accommodate such leave.

304.4.7 INVOLVED DEPUTY STATEMENTS

Once public safety issues have been addressed, CBIT 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) If requested, any involved deputy 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.
- (b) If any involved deputy 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.

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- (c) 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.

304.4.8 INVOLVED DEPUTY REPORTS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this office shall retain the authority to require involved KCSO deputies to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals. While the involved KCSO deputy may write the report, it is generally recommended that such reports be completed by assigned CBIT investigators who interview all involved deputies and victims/witnesses. Since the purpose of these reports is to facilitate criminal prosecution of suspect actions, statements of involved deputies should focus on evidence to establish the elements of criminal acts by suspects. Care should be taken not to duplicate information provided by involved deputies in other statements or reports.

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

304.4.9 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with a deputy use of deadly force, this office will conduct an internal administrative investigation of involved KCSO deputies to determine compliance with office policy. This investigation will be conducted under the supervision of the Major Crimes Unit.

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

- (a) Any deputy involved in a use of deadly force resulting in death or serious injury 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.

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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. 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 Professional Standards Unit shall complete all relevant information and reports necessary for the Office to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

304.4.10 CIVIL LIABILITY RESPONSE

A member of this office may be assigned to work under the direction of the legal counsel for the Office 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.

304.4.11 AUDIO AND VIDEO RECORDINGS

Any deputy who uses deadly force 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.

304.5 INCIDENTS CAUSING MINOR INJURY OR NO INJURIES

When a deputy uses or attempts to use deadly force and minor injuries or no injuries result, KCSO will conduct a Use of Force review as for any significant use of force (see policy 300.5)

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Responding deputies and supervisors should address all aspects of public safety and conduct appropriate criminal investigation into suspect actions.

The Major Crimes Supervisor should be notified if necessary for the best collection and analysis of evidence relating to the use of deadly force.

The Sergeant or other on-duty supervisor shall notify the Chief Deputy or other command staff of any intentional use or attempted use of deadly force that does not result in death or serious injury. The Chief Deputy or other command staff will notify the Sheriff and the Office of Independent Investigations.

304.6 DEBRIEFING

Following an Officer-involved shooting or deadly force incident, the Sheriff's Office should conduct both a critical incident/stress debriefing and a tactical review and debriefing.

304.6.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable after a use of deadly force which results in death or serious injury, and may be held after any use of deadly force. The Administrative Chief Deputy is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

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

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

304.6.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training needs 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.

304.7 MEDIA AND PUBLIC INFORMATION

In any deadly force incident that leads to death or serious bodily injury, CBIT or other IIT handling the investigation of involved deputy actions is responsible for mandated releases of information.

The Sheriff also retains the right to produce press releases and public information. Press releases and public information should be submitted to the CBIT or IIT commander for approval when possible to ensure no material critical to the ongoing investigation is released.

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No MAV, body-worn and other known video or audio recordings of an incident should be publicly released during an ongoing investigation without consulting the County Prosecutor's Office and the CBIT or IIT commander.

No involved KCSO deputy shall make any comment to the media unless authorized by the Sheriff or a Chief Deputy

Office members receiving inquiries regarding officer or deputy uses of deadly force 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

305.1 PURPOSE AND SCOPE

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

This policy applies only to commissioned deputies and officers who are authorized to carry firearms as a function of their positions.

Any other office member who carries a firearm while working shall do so in accordance with state and federal laws. The type of firearm and manner of carry should not be conspicuous or compromise the office member's professional appearance, and are subject to the approval of the Sheriff.

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.

305.2 POLICY

The Kittitas 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.

305.3 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 Rangemaster. Prior to carrying any firearm on duty, a member must:

1. undergo an approved course of training with that type of weapon including safe handling, manipulation and loading, and marksmanship, and;
2. qualify with that specific firearm using a office approved course of qualification.

All other weapons not provided by the Office, including, but not limited to, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that are 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 Sheriff. This exclusion does not apply to the carrying of up to 2 knives carried as multi-use utility tools. No knives of unusual size or design may be carried without express permission from the Sheriff, except specialty knives required in the performance of specialty assignments.

305.3.1 HANDGUNS

Authorized office-issued handguns are Glock and Smith & Wesson M&P pistols in 9mm, .40 S&W and .45 ACP calibers. Personally owned handguns may be approved on a case by case basis (see 307.3.4).

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305.3.2 SHOTGUNS

The Sheriff's Office issues the Remington Model 870 Police Magnum and Mossberg Model 590A1 12-gauge pump-action shotguns.

When not deployed, the shotgun shall be properly secured consistent with agency training in a locking weapons rack in the patrol vehicle or concealed if in an unmarked vehicle. Shotguns shall be carried in patrol ready configuration: the shotgun magazine fully loaded, safety engaged, and bolt closed on an empty chamber.

305.3.3 BREACHING SHOTGUNS

Additional shotguns may be purchased and maintained by the office as dedicated breaching tools. Dedicated breaching shotguns and breaching ammunition are selected and/or modified to safely and effectively alter or destroy structural elements or building materials and facilitate forced entry. Dedicated breaching shotguns and ammunition shall not be deployed or used for purposes other than breaching except in exigent circumstances. Dedicated breaching shotguns and ammunition shall only be deployed and used by personnel trained in their use for breaching.

Dedicated breaching shotguns are not subject to qualification requirements for firearms normally deployed for defense and combat.

305.3.4 PATROL RIFLES

The authorized agency-issued patrol rifle is the AR-15 platform. Personally owned AR-15 platform rifles must be approved for carry (see 307.3.4).

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle or concealed in the locked vehicle if in an unmarked vehicle.

305.3.5 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.
- (b) The firearm shall be inspected by the Rangemaster 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.

305.3.6 AUTHORIZED SECONDARY HANDGUN

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

- (a) The handgun shall be in good working order and approved prior to carry.
- (b) Only one secondary handgun may be carried at a time.

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- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by this 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 Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same quality county issue. If the caliber of the handgun is other than 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 Sheriff's Office qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

305.3.7 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted and encouraged 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:

- (a) Members are authorized to carry duty or authorized secondary handguns.
- (b) Members shall only carry authorized ammunition.
- (c) When armed, deputies shall carry their badges and Kittitas County Sheriff's Office identification card.

305.3.8 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. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Rangemaster 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.

305.4 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.

305.4.1 REPAIRS OR MODIFICATIONS

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

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

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an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

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

305.4.2 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.

305.4.3 WEAPON MOUNTED LIGHTS

Weapon mounted lights may only be installed on a firearm carried on-duty after they have been examined and approved by the Rangemaster. Once an approved tactical light has been properly installed on any firearm, the member shall qualify with the firearm to assure proper function and sighting of the firearm prior to carrying it on-duty.

305.4.4 OPTICAL RED-DOT SIGHTS

Optical 'red-dot' sights may only be installed on a firearm carried on duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in a manner and by an installer approved by the Rangemaster. Once an approved sight has been properly installed on any firearm, the member shall qualify with the firearm to assure proper function and sighting of the firearm prior to carrying it.

Visible-spectrum laser sights are not approved at this time.

305.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere 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, using 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

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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 Rangemaster approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

305.5.1 STORAGE AT HOME

Members shall insure that all County Issued firearms 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.

305.5.2 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.

305.6 LESO PROGRAM 1033 SMALL ARMS STORAGE

Small arms acquired by this Office from the Law Enforcement Support Office (LESO) of the Washington State Department of Enterprise Services under LESO's 1033 program shall be stored using two levels of security when not in the immediate control of a Deputy. Two levels of security means two distinct lockable barriers, each specifically designed to render a weapon inaccessible and unusable to unauthorized persons. Lockable barriers meeting this description may be either manual or electronic.

305.7 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training at least twice a year with their duty firearms. In addition to biannual 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.

305.7.1 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

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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.

305.8 FIREARM DISCHARGE

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

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

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

305.8.1 DESTRUCTION OF THREATENING 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, conducted energy 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, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

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305.8.2 DESTRUCTION OF INJURED ANIMALS

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. After the act and before the end of shift members will notify their supervisor personally or by email.

305.8.3 WARNING SHOTS

Warning shots may not be fired unless the member reasonably believes that they appear necessary and can be fired safely and with a probability of effectiveness. If warning shots are fired, the member shall explain the potential risks and the potential benefit that led to the decision to fire warning shots in an associated report.

305.9 RANGEMASTER DUTIES

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

The Rangemaster 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 Rangemaster 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 Rangemaster.

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

The Rangemaster shall serve as Lead Firearms Instructor and may delegate specific duties to current members of the Firearms Instruction Team who have the appropriate training and qualifications.

305.10 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to 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 Kittitas 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 Kittitas 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 Kittitas 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.

305.11 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 Kittitas County Sheriff's Office identification card whenever carrying such firearm.
- (b) The deputy is not the subject of any current disciplinary action.
- (c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The deputy will remain subject to this and all other office policies (including qualifying and training).

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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.

305.12 CARRYING RESTRAINTS WHEN ARMED ON DUTY

When a member carries a firearm on duty, they should also carry handcuffs or another office-approved restraint. This policy does not apply to deputies in undercover, plainclothes assignments.

Vehicle Pursuits

306.1 PURPOSE AND SCOPE

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

306.1.1 DEFINITIONS

Definitions related to this policy include:

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

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 attempt by a uniformed deputy in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the deputy is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the deputy's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the deputy.

306.2 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. Deputies may initiate a vehicle pursuit when:

- there is reasonable suspicion to believe that a person has violated the law;
- the pursuit is necessary for the purpose of identifying or apprehending the person;
- the person poses a threat to the safety of others; and
- the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances (RCW 10.116.060).

Deputies' discretion to pursue fleeing vehicles for violations of varying seriousness requires that deputies clearly and thoroughly articulate the balance of risks that leads to the decision to begin a pursuit and the decision to continue pursuing through every important change in conditions, driver behavior, or the information available to the deputy.

306.3 DEPUTY RESPONSIBILITIES

Upon initiating a pursuit a deputy shall immediately notify a supervisor, who shall provide oversight of the pursuit. The pursuing deputy, in consultation with the supervisor, shall continually consider alternatives to the vehicular pursuit, the justification for the pursuit, and other safety considerations

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including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle (RCW 10.116.060).

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, 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.

In order to initiate or participate in vehicular pursuits, deputies must have completed Emergency Vehicle Operator training in the previous two years, and must be certified in one or more tactical vehicle intervention tactics.

Deputies initiating or participating in a vehicular pursuit must have a means (such as a common radio channel) to communicate directly with other deputies, supervisors, officers involved in the pursuit and with dispatch during the pursuit.

306.3.1 VEHICLE PURSUIT FACTORS

Factors to be considered when deciding to initiate or continue a pursuit include but are not limited to:

- (a) The seriousness of the known or suspected crime and its relationship to community safety.
- (b) 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.
- (c) 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.
- (d) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit.
- (e) Whether the identity of the suspect has been determined, allowing the suspect to be apprehended at a later time.
- (f) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (g) Emergency lighting and siren limitations on unmarked Deputy 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.
- (h) Vehicle speeds.

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- (i) Other persons in or on the pursued vehicle (e.g., minors, passengers, co-offenders, hostages).
- (j) Whether the pursuing vehicle is carrying passengers other than on-duty Deputy 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.
- (k) The availability of other resources, such as air support assistance.

306.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of circumstances which are known or which reasonably ought to be known to the deputy indicates that the risk of continuing the pursuit reasonably outweighs the risk resulting from the suspect's escape.

Examples of circumstances that should normally lead to terminating a pursuit include, but are not limited to, the following:

- (a) The distance between the pursuing vehicle and the fleeing vehicle makes further pursuit futile or would require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer 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) The pursuit creates unreasonable hazards to uninvolved bystanders or motorists.
- (f) It does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

306.4 PURSUIT VEHICLES

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

Vehicle pursuits should normally be limited to three Deputy Sheriff's office emergency vehicles. However, the number of vehicles involved may vary with the circumstances.

A deputy or supervisor may request that additional vehicles join a pursuit if it appears that the number of deputies involved would be insufficient to safely arrest the suspect or 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 still, if appropriate, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

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306.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Deputies operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in a vehicular 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 Deputy Sheriff's office vehicles or any air support.

306.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

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

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

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

The primary pursuing deputy shall immediately request that Kittcom inform a supervisor. If no supervisor is available, the Deputy In Charge shall perform the supervisor's duties related to the pursuit until an on-call supervisor can be contacted.

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.

306.4.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

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

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.

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- (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.

306.5 PURSUIT DRIVING

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

- (a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available deputies not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing deputies should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, deputies should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 - 1. Request assistance from available air support.
 - 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
 - 3. Request other deputies to observe exits available to the suspect.
- (d) Notify the Washington State Patrol or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Deputies involved in a pursuit should not attempt to pass other pursuing vehicles unless they are requested to do so by the pursuing deputy and with clear understanding and communication between the involved deputies.

306.5.1 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

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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.

306.5.2 DEPUTIES NOT INVOLVED IN THE PURSUIT

Deputies who are not involved in the pursuit should not parallel the pursuit route or 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 Deputy Sheriff's office vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a nonemergency manner, observing the rules of the road.

306.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this office (RCW 10.116.060).

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.
- (b) Engaging in the pursuit, when appropriate.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more law enforcement vehicles than necessary are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if 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 a proper radio channel is being used.
- (h) Ensuring that the Patrol Sergeant is notified of the pursuit, as soon as practicable.

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- (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 Kittitas County Sheriff's Office deputies when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

306.6.1 PATROL SERGEANT RESPONSIBILITIES

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

The Patrol Sergeant shall review all pertinent reports for content and forward them to the command staff.

306.7 KITTCOM

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

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 Patrol Sergeant as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

306.8 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.

306.9 INTERJURISDICTIONAL CONSIDERATIONS

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

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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.

306.9.1 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 Kittitas 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.

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.

306.9.2 REQUESTS TO JOIN PURSUITS INITIATED BY OTHER AGENCIES

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 Kittitas 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 Patrol Sergeant should review a request for assistance from another agency. The Patrol Sergeant or supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

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The rapidly evolving circumstances of a pursuit may not allow the pursuing agency to provide complete information about the origin and history of a pursuit when initially seeking assistance. In such cases deputies and supervisors should assist the requesting agency while continuing to seek the information necessary to evaluate whether participation in the pursuit is justified by the standards of this policy. If and when a deputy or supervisor determines that the Sheriff's Office should not continue in a pursuit, the originating agency should be notified immediately that County units will withdraw. That withdrawal should be conducted in a manner that does not endanger units from any other agency.

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 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.

306.10 TACTICAL VEHICLE INTERVENTION

The use of Tactical Vehicle Intervention techniques including the PIT maneuver, Tire Deflation Devices, Intentional Collision, Roadblocks, and Vehicle Pinning is discussed in the Tactical Vehicle Intervention Policy.

As soon as practicable after initiating a vehicular pursuit, the pursuing deputy or acting supervisor shall develop a plan to end the pursuit using one or more Tactical Vehicle Intervention techniques if they are safe, available, and appropriate under the circumstances of the pursuit.

The use of firearms to disable a pursued vehicle is not generally an effective tactic. Deputies should not utilize firearms during an ongoing pursuit unless the conditions and circumstances require 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 (see the Use of Force Policy).

306.11 CAPTURE OF SUSPECTS

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

306.12 REPORTING REQUIREMENTS

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

- (a) The primary pursuing deputy shall complete appropriate crime/arrest reports.
- (b) The primary pursuing deputy shall complete the appropriate pursuit report form before the end of shift. If the pursuit did not result in serious injury or death or significant property damage, the supervisor should proceed with a review of the pursuit. If serious

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injury or death or significant property damage results from a pursuit the supervisor shall notify command for assignment of the pursuit review.

- (c) The supervisor or other assigned investigator shall review the pursuit utilizing the information on the pursuit review form, the narrative reports of involved deputies and other agencies, video and eyewitness evidence if available, and other appropriate information. If the pursuit is found to be lawful, within policy, and consistent with training, the reviewer will forward the Pursuit Report and Review form to Command staff for review by the Sheriff. If not, they should immediately notify command for possible Administrative Investigation.
- (d) Annually, the member designated by the Sheriff shall conduct and present to the Sheriff a documented review and analysis of office vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

306.13 REGULAR AND PERIODIC PURSUIT TRAINING

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

306.14 POLICY REVIEW

Deputies of this office shall certify electronically or in writing that they have received, read and understand this policy initially, and upon any amendments.

Tactical Vehicle Intervention

307.1 POLICY

Tactical Vehicle Intervention (TVI) includes techniques and tools to prevent pursuits, reduce the risks associated with pursuits, and/or force an end to a pursuit. Authorized deputies may utilize one or more TVI techniques as appropriate under the circumstances to achieve these goals.

TVI techniques involve the use of force and are subject to the requirements of KCSO's Use of Force policy, including the Duty of Reasonable Care. The force used in a TVI must be reasonable and proportional considering the seriousness of the criminal offenses involved and the risk the suspect poses to deputies and the public, including the risks associated with a necessary vehicle pursuit or criminally dangerous driving.

TVI techniques shall not be used to apprehend a suspect whose only offense is either a non-criminal traffic violation, or felony eluding if the related pursuit was initiated solely for a non-criminal traffic violation.

Factors to consider before the use of any TVI include:

- (a) Recklessness of the suspect's driving;
- (b) Speed of the fleeing vehicle;
- (c) Direction of pursuit, for example, toward areas of high population density, traffic congestion or school zones;
- (d) Whether or not there will be an opportunity to contact the fleeing vehicle at lower speeds;
- (e) Whether or not the suspect is armed;
- (f) The availability of cover units;
- (g) The level of risk to the public should the suspect escape apprehension;
- (h) The presence of stationary objects that could be struck by the police and/or suspect vehicle;
- (i) The time of day or night;
- (j) Any other pertinent factors.

307.2 DEFINITIONS

Pursuit Immobilization Technique (PIT) - The intentional and forced rotational contact of a suspect vehicle by a pursuing police vehicle to stop a suspect's flight or illegal activity.

Tire Deflation Device - A strip, belt, cord, or other carrying and holding device containing spikes or tubes capable of penetrating and puncturing a vehicle tire when the tire drives or rolls over it, causing rapid deflation.

Intentional Collision (Ramming) - The deliberate act of hitting another vehicle with a patrol vehicle for the purpose of functionally damaging, disabling, or redirecting the vehicle, or forcing

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it off the roadway. Depending on speed and other relevant circumstances, intentional collision (ramming) may be considered a use of deadly force.

Roadblock - Blocking the roadway or any other portion thereof by means of a stationary police vehicle or any other vehicle.

Vehicle Pin - The measured application of positive pressure against a stationary vehicle by a patrol vehicle with the intent of preventing the stationary vehicle from moving or fleeing.

307.3 PROCEDURES

Clear and concise communication is an important component of all TVI techniques. To that end, deploying deputies should, when reasonable, inform other deputies of the intent and location of an attempted TVI technique.

Other deputies shall:

- (a) Maintain radio discipline;
- (b) Slow their vehicles when nearing the deployment location;
- (c) Provide post-deployment assistance in traffic control, arrest, aid, or continuing with the pursuit as appropriate.

A supervisor may cancel deployment of a TVI technique for any reason.

307.3.1 PURSUIT IMMOBILIZATION TECHNIQUE

The PIT is a method to reduce risks in bringing pursuits to a conclusion. The PIT is **not** a ramming technique, but a lower-force method of controlled pursuit intervention. When using the PIT, the following factors shall be considered:

Site selection – The area selected for the PIT should be as level and free of roadside obstructions as practicable. The PIT may be performed on straight-aways, corners, or non-level roadways, but the exit path from the PIT should be considered.

Oncoming Traffic – Every effort to control or limit oncoming traffic into the PIT site shall be made. The PIT should not be attempted where the suspect vehicle is likely to be pushed into oncoming traffic or into areas containing pedestrians or occupied vehicles.

Vehicle Type – Vehicles with high suspensions or oversized tires are more likely than other vehicles to overturn as a result of the PIT. This elevated risk should be considered before determining whether a PIT is a necessary and reasonable TVI on such a vehicle.

Vehicles with Multiple Occupants – If a fleeing vehicle has multiple occupants, consideration must be given to the makeup of the other occupants before the PIT is employed. For example, if unrestrained juveniles are known to be in the pursued vehicle, other interventions shall be given consideration prior to the PIT.

Vehicle Speeds

Under 40 MPH – The PIT is safest and most controllable at speeds under 40 MPH. This is the preferred speed range for use of this TVI.

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40 MPH and 55MPH -Between the speed of 40 MPH and 55 MPH the PIT should only be used when a suspect poses a serious risk of harm to others and the safety risks of failing to stop or apprehend the person are considered greater than the safety risks of the PIT maneuver.

Over 55 MPH – The PIT should only be used on vehicles traveling over 55 MPH if the actions of the suspect create an imminent danger of serious injury or death to deputies or the public, or if the PIT is necessary to prevent the escape of a suspect who presents an imminent danger of serious injury or death to deputies or the public.

A supervisor shall be notified and have opportunity to approve or deny any use of the PIT whenever feasible.

Training - Deputies shall receive approved training in the PIT prior to using the technique in any incident.

307.3.2 TIRE DEFLATION DEVICES

Tire Deflation Devices (TDD's) including **Spike Strips**, the brand of TDD utilized by KCSO, may be used alone or in conjunction with other TVI techniques to prevent, control and/or end vehicle pursuits.

TDD's should be used in a manner consistent with their manufacturer's intended use and instructions.

Officers deploying TDD's should do so from a position of relative safety. Natural barriers such as roadway structures, guardrails, or even concealment such as shrubbery should be used by the deputy to conceal his/her position. Using only a patrol vehicle for cover is discouraged.

Traffic cones, flares, or other items may be used to funnel the fleeing vehicle over the TDD's.

TDD's should only be removed from the roadway when it is clear and safe to do so. No officer shall knowingly place themselves into the immediate pathway of a vehicle to deploy or retrieve TDD's.

TDD's may be placed preemptively under a stationary vehicle to prevent escape or assist in the apprehension of a subject when there is cause to believe a vehicle may be used to flee or endanger others.

A supervisor shall be notified and have the opportunity to approve or deny the use of Tire Deflation Devices whenever feasible.

Training - Deputies shall receive approved training in the use of TDD's prior to using then in any incident. Deputies shall not use TDD's unless they have received training in their use including this policy within the previous two years.

307.3.3 INTENTIONAL COLLISION (RAMMING)

The risks of Intentional Collision depend on many variables including suspect and deputy speed, angle of contact, vehicle construction and condition, weather and road conditions, and other, often unknown, conditions. Because these risks are difficult to predict and control, Intentional Ramming

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shall only be used with an appropriate high degree of caution and an acute awareness of potential danger to persons in the suspect vehicle, the deputy, and the public.

Intentional Collision shall only be used if the immediate risk of the suspect's actions or their driving is greater than the risk of failing to stop or apprehend them. Intentional Collision should not be utilized if another TVI such as the PIT maneuver or Tire Deflation Devices is available and appropriate.

Depending on all the relevant facts and circumstances, Intentional Ramming may be considered deadly force. In such conditions, KCSO's Deadly Force policy and relevant laws apply.

307.3.4 ROADBLOCKS

Roadblocks are inherently dangerous to suspects, law enforcement, and the public. Roadblocks shall only be used when other methods to end a pursuit are not available and appropriate, or have failed, AND the fleeing suspect presents an imminent threat of serious physical injury or death to others.

Roadblock locations shall be evaluated taking into consideration traffic volume, pedestrian and resident exposure, and proximity of sufficient law enforcement personnel and resources. If possible, a roadblock should be placed to permit the suspect vehicle to divert onto a parking lot, dead-end road, or similar location to avoid collision and facilitate apprehension.

All vehicles used in a roadblock shall be unoccupied, and no person shall use a vehicle being used to block a roadway for cover or concealment.

A supervisor's approval is required before setting a roadblock. The supervisor shall oversee and coordinate the use of the roadblock if at all feasible.

307.3.5 VEHICLE PIN

A vehicle pin may be used when there is cause to believe a suspect may use a vehicle to flee a lawful detention or arrest or to endanger others. A vehicle pin is achieved by using measured positive pressure on a vehicle's front, it's rear, or both, according to its position and circumstances.

Vehicle pins shall be performed only on stationary vehicles. The speed of the patrol vehicle applying pressure to the suspect vehicle shall be low enough at contact to present little or no risk of injury to occupants of either the suspect vehicle or the patrol vehicle.

Because the vehicle pin places the pinning deputy in fixed, close proximity to occupants of the suspect vehicle, deputies must take into consideration suspect possession of or access to weapons before utilizing the pin.

307.4 REPORTING REQUIREMENTS

Each use of a Tactical Vehicle Intervention technique shall be documented in an incident report. The report should include a detailed description of the technique(s), the facts supporting the use of a technique(s), the deputies involved, and the results of the TVI. Photographs of all involved vehicles and any resulting property damage should be included. Each use of any TVI shall also be documented on a Use of Force Report form for review according to KCSO's Use of Force policy.

Deputy Response to Calls

308.1 PURPOSE AND SCOPE

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

308.1.1 CODE DEFINITIONS

CODE - Responding CODE, means an emergency 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.

CODE 1 - will no longer be used on the radio: If you require another unit at the earliest opportunity. Simply state your request using plain language, also advising if a specific item is needed.

CODE 2 - You require immediate assistance; no more than two additional backup units are to respond, unless the circumstance or the supervisor dictates otherwise. Back up will respond with lights and utilize siren as appropriate to expedite the response.

CODE 3 - You are in an exigent situation or circumstance that requires that any and all LE available respond to assist immediately. This would include outside agency assistance in the response as well. A Code Three is equivalent of HELP, and the dispatcher will relay the Code Three to all agencies, including WSP by Simul-casting it over LERN if possible. KITTCOM should use the Alert tones during the notification if possible (depending upon the event).

CODE 4 - You are all right, at no risk or situation is under control. Responding units, if any, may reduce their Code Response. *Understand that if you are on an active call and your status has been checked by KITTCOM when you advise "Code 4" your next status will occur in twenty minutes instead of five.*

308.1.2 SAFETY CODE DEFINITIONS

The following safety codes are recognized by all agencies within Kittitas County.

KCSO F (Frank) - Felony Warrant

KCSO M (Mary) - Misdemeanor Warrant

KCSO V (Victor) - Stolen Vehicle

KCSO O (Ocean) - Officer Safety [Something that KITTCOM does not want the person you may be with to hear - (unit) **clear for traffic**]

308.2 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.

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308.3 RESPONSE TO CALLS

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

308.3.1 EMERGENCY CALLS

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

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

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

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

308.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved 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.

308.5 SAFETY CONSIDERATIONS

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

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

308.5.1 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.

An emergency response involving more than one Deputy Sheriff's vehicle should be coordinated by Kittcom to avoid any unanticipated intersecting of response routes. The Patrol Sergeant or field supervisor, will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

308.5.2 MOTORCYCLES

A deputy operating a Deputy Sheriff's motorcycle should not be assigned to an emergency response. However, a deputy operating a Deputy Sheriff's motorcycle in an emergency response should be replaced by an authorized emergency vehicle equipped with emergency lights and siren as soon as practicable.

308.6 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.

308.7 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the Code response and respond accordingly. In all cases, the deputy shall notify the Shift Supervisor, or Kittcom of the equipment failure so that another unit may be assigned to the emergency response.

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Deputy Response to Calls

308.8 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the Patrol Sergeant 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 Patrol Sergeant 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

309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services to the community.

309.2 POLICY

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

309.3 ASSIGNMENT

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

309.4 CANINE PROGRAM ADMINISTRATION AND OVERSIGHT

Administrative responsibilities of the canine program shall be distributed among the handler, the team supervisor, and command staff.

309.4.1 CANINE HANDLER RESPONSIBILITIES

- (a) Maintain a liaison with other agency canine coordinators.
- (b) Maintain accurate records to document canine activities.
- (c) Seek and attend training as needed to maintain team certification and proficiency.

309.4.2 CANINE TEAM SUPERVISOR RESPONSIBILITIES

The responsibilities of the canine team supervisor include but are not limited to:

- (a) Review all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintain a liaison with command staff.
- (c) Recommend and oversee the procurement of equipment and services for the teams of handlers and canines.
- (d) Set or approve scheduling of all canine-related activities.
- (e) Ensure the canine teams are scheduled for regular training to maximize their capabilities.

309.4.3 COMMAND STAFF REVIEW

Command staff shall annually review reported canine deployments, bite ratios and any accidental bites and consider recommended additional training or any recommended changes to policies and practices.

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309.5 REQUESTS FOR CANINE TEAMS

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

309.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the on duty supervisor or Patrol Sergeant 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) Off-duty canine teams should only be called out in serious and exigent cases, and when the presence of the canine team is likely to impact the incident despite the delay created by the callout.
- (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 as directed.

309.5.2 PUBLIC DEMONSTRATIONS

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

309.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious criminal 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.

For purposes of this policy, a 'serious criminal offense' is one that, based on the totality of the circumstances known to the handler at the time, reasonably indicates a risk of harm to deputies, the public, or the canine, or where the use of a canine would materially reduce that risk compared to other reasonably available tactics. It is recognized that situations may arise that do not fall

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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 criminal 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.

Absent an articulable threat to deputies, the canine, or the public, canine use should be conducted on-leash or under other conditions that minimize the likelihood the canine will bite or otherwise injure any person. The handler is responsible to determine when off-leash deployment is necessary and appropriate. A supervisor may prohibit off-leash deployment in any incident. Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than described above requires approval from the Patrol Sergeant.

Unless it would increase the risk of injury or escape, a clear, audible warning announcing that a canine will be used if the suspect does not surrender shall be made prior to releasing a canine. The handler should allow reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal responses to the warning. If a warning is not given the handler should document the reasons for its omission. If feasible, warnings should be captured on BWC.

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

In the event of a bite or injury, the canine handler shall request medical aid for the injured subject and provide or facilitate first aid such that it is rendered at the earliest safe opportunity (RCW 36.28A.445). A supervisor should respond to the scene if available, and the use of force shall be reported in accordance with office policy.

309.6.1 CANINE DEPLOYMENT, APPREHENSION, AND REASONABLE CARE

Deputies shall exercise reasonable care when deciding whether to deploy a canine in circumstances where physical apprehension is reasonably foreseeable. This duty includes consideration of available and appropriate de-escalation tactics, warnings, containment, and the totality of the circumstances known to the handler at the time.

When a canine is deployed, the handler shall continuously assess whether conditions justifying the potential or actual use of force remain present. Once a subject is located and/or contained and no longer reasonably appears to pose a threat of harm or risk of escape, the handler shall secure the canine and, if physical force has been applied, shall terminate that force as soon as reasonably possible.

The deployment of a canine for purposes of tracking, trailing, searching, locating, containment, or issuing warnings is not, by itself, a use of force. Verbal commands, canine presence, and audible

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warnings—whether delivered by a deputy or facilitated by a canine—are not physical force unless and until qualifying physical contact occurs.

Any off-leash deployment in an apprehension setting shall be documented and reported using KCSO force-reporting processes as required by RCW 10.118.030. This reporting requirement applies regardless of whether the deployment results in physical contact and does not, by itself, mean that a use of physical force occurred under RCW 10.120.

309.6.2 REPORTING DEPLOYMENTS, BITES AND INJURIES

The canine handler shall use an approved records management system to document the circumstances and outcomes of each deployment.

If any individual appears to have suffered an injury or alleges an injury, either visible or invisible, as a result of a canine deployment, 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 until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the Patrol Sergeant or canine team supervisor. Unintended bites or injuries caused by a canine shall be thoroughly documented in an appropriate incident report.

In the event of an accidental bite, the Sheriff or designee shall determine whether remedial training, a change in policy or practice, or reassignment is appropriate before returning the canine to service.

309.6.3 USE OF CANINES FOR CROWD CONTROL PROHIBITED

Canines shall not be used for the purpose of crowd control, crowd management, or crowd dispersal, including to intimidate, compel movement, or gain generalized compliance from a group of persons.

This prohibition applies regardless of whether a gathering is lawful or unlawful, and includes civil disturbances, demonstrations, protests, or riot conditions when the canine's function would be to influence or control the behavior of a crowd as a whole.

This subsection does not prohibit the deployment of a canine for the purpose of locating or apprehending a specific individual, provided that such deployment is otherwise consistent with this policy, lawful under RCW 10.120.020, and reasonable based on the totality of the circumstances. In such cases, the canine shall not be used in a manner intended to influence, intimidate, or control persons other than the individual subject to apprehension.

This subsection does not preclude the use of a canine as an objectively reasonable and necessary measure to prevent, interrupt, or escape an imminent threat of death or serious physical harm to any person. Such use shall be limited to the duration and scope reasonably necessary to address the immediate threat. The circumstances and justification for such use shall be clearly articulated in the associated report.

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309.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for persons other than criminal suspects (e.g., lost children or adults 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 conditions and the specific abilities and disposition of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) 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) Assisting members should take direction from the handler in order to minimize interference with the canine, unless otherwise directed by a supervisor;
- (c) The handler should periodically verbally assure the person being sought that the canine will not bite or hurt them, and encourage them to make themselves known;
- (d) Once the individual is located the handler should control and secure the canine as soon as reasonably practicable.

309.8 TRAINING

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

The training coordinator shall schedule periodic training for all agency personnel in order to familiarize them with how to conduct themselves in the presence of agency canines.

309.8.1 ARTICLE DETECTION

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

309.8.2 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.

309.8.3 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.

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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.

309.9 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) A deputy who is currently off probation.
- (b) Residing in a single-family residence with a minimum 5-foot-high fence with locking gates or an approved and secure kennel.
- (c) A location that can securely accommodate a canine vehicle
- (d) Agreeing to be assigned to the position for a minimum of three years.

309.10 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 county equipment under his/her control in a clean and serviceable condition.
- (c) Handlers shall permit the canine team 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.
- (d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (e) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be

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secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

- (f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (g) Under no circumstances will the canine be lodged at another location unless approved by the canine team supervisor or Patrol Sergeant.
- (h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct except in response to an imminent threat of serious injury or death, or unless approved in advance by the canine team supervisor or Patrol Sergeant..

309.10.1 CANINE IN PUBLIC AREAS

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

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

309.11 HANDLER COMPENSATION

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

309.12 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 team supervisor or Patrol Sergeant 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.

309.13 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 training manager 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. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

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All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Patrol Sergeant.

309.13.1 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 Kittitas County Sheriff's Office canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (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 the Office.

309.13.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

309.13.3 TRAINING RECORDS

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

309.13.4 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. Alternatively, the Kittitas County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

309.13.5 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(g); RCW 69.50.302; RCW 69.50.508; WAC 246-945-060).

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Kittitas 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 Administration (DEA).

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

309.13.6 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.
- (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 shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

Domestic Violence

310.1 PURPOSE AND SCOPE

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

310.1.1 DEFINITIONS

Definitions related to this policy include:

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

Domestic violence - Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, coercive control, unlawful harassment, or stalking of one intimate partner by another intimate partner or of one family or household member by another family or household member (RCW 10.99.020; RCW 7.105.010).

310.2 POLICY

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

310.3 OFFICER SAFETY

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

310.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) 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 Major Crimes Unit 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, as evidence or for safekeeping.
 - 1. Deputies who have probable cause that a crime has been committed shall lawfully seize all firearms and ammunition that they reasonably believe were used or threatened to be used in the commission of the offense.
 - 2. Deputies shall request consent to take temporary custody of any other firearms and ammunition that the alleged suspect may have access to.
 - 3. Deputies shall separate the victim and inquire whether there are any firearms, other dangerous weapons, or ammunition in the home, whether the suspect has access to any firearms or dangerous weapons either on the premises or stored elsewhere, whether the suspect has a concealed pistol license, and whether a firearm has ever been used by the suspect under other circumstances that could be threatening or coercive (RCW 10.99.030). This inquiry with the victim shall be documented in the affidavit sent to the court for the first appearance of an arrested subject or the report sent for the arraignment of a subject charged by summons (10.99.040).
 - 4. If a deputy observes or discovers firearms at the scene of a domestic violence crime which are not related to the crime and the deputy cannot obtain consent to take the firearms for safekeeping, the deputy shall note the following in the affidavit of probable cause and report:
 - (a) The location and type of firearm they observed;
 - (b) The reasons it was believed to be unrelated to the crime; and
 - (c) The refusal of the request to take temporary custody of the firearm for safekeeping.

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- (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. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 - 11. The social status, community status, or professional position 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.

310.4.1 HOSPITALIZED VICTIM

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

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

310.4.2 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

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310.4.3 VALID FOREIGN (OUT OF STATE) ORDERS FOR PROTECTION WILL

Deputies of the Kittitas 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.

310.4.4 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.

310.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the office's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters, and community resources.
- (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 the victim has sustained injury or complains of pain.
- (f) Ask the victim whether the victim has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a safety concern 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.

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- (h) Seek or assist the victim in obtaining an emergency order if appropriate (RCW 10.99.040).

310.6 FOREIGN COURT ORDERS

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

310.6.1 CANADIAN COURT ORDERS

Any foreign court order properly issued in Canada shall be enforced by a deputy as a foreign court order above. Any notice, if required, should be made in compliance with RCW 26.55.020.

310.7 VERIFICATION 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 the notice or receipt of the order, 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.

310.8 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(1)).
- (b) When a deputy responds to a domestic violence call and has probable cause to believe that a crime has been committed, an arrest shall be made pursuant to the criteria in RCW 10.31.100 (RCW 10.99.030(2)(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

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arrest (RCW 10.99.055; RCW 10.31.100(2)). Whenever a member of this office serves or assists in serving a court order and that service is completed, a return of service form shall be completed and submitted to the Washington Crime Information Center (WACIC).

310.9 REPORTS AND RECORDS

- (a) Deputies responding to a domestic violence call shall take a complete offense report, including the disposition of the case (RCW 10.99.030(2)(b)).
 - 1. The report shall include all information about firearms and concealed pistol licenses and be properly coded to alert any officials reviewing the report to the existence of the information concerning firearms (RCW 10.99.030).
- (b) All such reports should be documented under the appropriate crime classification and should use the distinction "Domestic Violence" in the Type of Crime box of the crime report form (RCW 10.99.035).
- (c) Whenever there is probable cause to believe that a crime has been committed and unless the case is under active investigation, the Major Crimes Supervisor shall ensure that all domestic violence crime reports are forwarded to the County Prosecutor's Office within 10 days of the date the incident was reported (RCW 10.99.035).
- (d) The Administrative Chief Deputy shall ensure that accurate records of domestic violence incidents are maintained and submitted to the Washington Association of Sheriffs and Police Chiefs, in accordance with state law (RCW 10.99.035).
- (e) The Administrative Chief Deputy should ensure that the original receipt issued for any firearm, dangerous weapon, or pistol license surrendered after service of a protection order is filed with the court within 24 hours of service of the order and retain a copy of the receipt electronically if available (RCW 9.41.801).

310.10 ENTRY OF COURT ORDERS

The Administrative Chief Deputy shall ensure that 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).

310.11 SERVICE OF COURT ORDERS

The deputy serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall (RCW 9.41.801):

- (a) Advise the subject that the order is effective upon service.
- (b) Request that any firearms, dangerous weapons, and any concealed pistol license be immediately surrendered. Deputies shall take possession of any firearms discovered in plain view, lawful search, or consent from the subject.
 - 1. If the subject indicates by word or action an intent to not comply with a request to surrender firearms, dangerous weapons, or a concealed pistol license, consideration should be given to obtaining a search warrant for seizure.

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- (c) Issue a receipt for any surrendered items.
 - 1. The deputy should ensure the original receipt is forwarded to the Administrative Chief Deputy as soon as practicable for filing with the court.

All firearms and weapons collected shall be handled and booked in accordance with the Property and Evidence Policy.

310.11.1 ELECTRONIC SERVICE OF COURT ORDERS

When a deputy petitions the court ex parte for an emergency protection order on behalf of the victim and the court does not include an order to surrender and prohibit weapons or an extreme risk protection order, or has verified that all firearms, dangerous weapons, and any concealed pistol license have been temporarily removed by law enforcement, service of the order on the respondent may be made electronically pursuant to the requirements of RCW 10.99.040.

310.12 ORDERS TO SHOW CAUSE

When the Office receives notice from the court of an order to show cause regarding the surrender of weapons, the Major Crimes Unit supervisor should consult with legal counsel, as appropriate, to address any requirements involving the Office, including the following (RCW 9.41.801):

- (a) Fulfilling any additional service requirements for the order to show cause.
- (b) Providing the court with a complete list of firearms and other dangerous weapons surrendered by the person pursuant to the court order that are in the possession of the Office.
- (c) Providing the court with verification that any concealed pistol license was surrendered by the person pursuant to the court order and that an agency with authority to revoke the license has been notified.
- (d) Filing an affidavit with the court where there is reasonable suspicion that the person who is subject to the court order is not in full compliance with the terms, including the basis for the belief.

Search and Seizure

311.1 PURPOSE AND SCOPE

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

311.2 POLICY

It is the policy of the Kittitas 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.

311.3 SEARCHES

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

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

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

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

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this 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.

311.3.1 RESTRICTIONS ON CELL SITE SIMULATOR USE

A member may only install or use a pen register, trap and trace device, or cell site simulator device with a supporting court order or when there is both coordination with a prosecuting attorney

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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 simulator device when an emergency situation exists (RCW 9.73.260).

311.4 SEARCH PROTOCOL

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

- (a) Members of this 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, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:
 1. Another deputy or a supervisor should witness the search.
 2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

311.5 DOCUMENTATION

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

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

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

Temporary Custody of Juveniles

312.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Kittitas County Sheriff's Office (34 USC § 11133).

312.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

Examples of secure custody include:

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

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

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

312.2 POLICY

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

312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Kittitas 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 Kittitas County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional.

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

312.4 CUSTODY OF JUVENILES

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

No juvenile should be held in temporary custody at the Kittitas County Sheriff's Office without authorization of the arresting deputy's supervisor or the Patrol Sergeant. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

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

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

312.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

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

312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133; RCW 43.185C.260).

312.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

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

312.4.4 VICTIMS OF SEXUAL EXPLOITATION

A deputy may take a juvenile into custody to investigate possible sexual exploitation when the deputy reasonably believes the juvenile is attempting to engage in sexual conduct for money or anything of value (RCW 43.185C.260).

In these cases, the deputy should transport the juvenile to an authorized evaluation and treatment facility in coordination with a community service provider (RCW 43.185C.260) (see the Child Abuse Policy for any mandatory notification requirements).

312.5 ADVISEMENTS

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

Juveniles taken into custody should be advised the reason for the custody (RCW 43.185C.265).

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312.6 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 Kittitas County Sheriff's Office shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

312.7 TEMPORARY CUSTODY REQUIREMENTS

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

- (a) The Patrol Sergeant should be notified if it is anticipated that a juvenile may need to remain at the Kittitas County Sheriff's Office more than four hours. This will enable the Patrol Sergeant to ensure no juvenile is held at the Kittitas County Sheriff's Office more than six hours.
- (b) Welfare checks and significant incidents/activities are noted on the log.
- (c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (d) A 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.
- (e) There is reasonable access to toilets and wash basins.
- (f) There is reasonable access to a drinking fountain or water.
- (g) 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.
- (h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) There is privacy during family, guardian, and/or attorney visits.
- (j) Juveniles are generally 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) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

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1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (m) Adequate furnishings are available, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody (see the Temporary Custody of Adults Policy).
- (o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

312.8 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 Kittitas 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 Patrol Sergeant. 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.

312.8.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

312.9 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

312.10 SECURE CUSTODY

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

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

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

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

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

312.11 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

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

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the on-duty supervisor, Sheriff and Major Crimes Unit supervisor.
- (c) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the County Prosecutor.
- (f) Notification of the Coroner.
- (g) Notification of the juvenile court.
- (h) Evidence preservation.

312.12 ATTORNEY CONTACT REQUIRED WHEN JUVENILES ARE QUESTIONED OR DETAINED

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.

A deputy shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference if the deputy:

- Questions a juvenile during a custodial interrogation or interview;
- Detains a juvenile based on probable cause of involvement in criminal activity; or
- Requests that the juvenile provide consent to an evidentiary search.

. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (RCW 13.40.740):

- (a) There is a belief that the juvenile is a victim of trafficking as defined by RCW 9A.40.100.
- (b) Information is necessary to protect an individual's life from an imminent threat.
- (c) A delay to allow legal consultation would impede the protection of an individual's life from imminent threat.
- (d) The questions are limited to what is reasonably expected to obtain the information necessary to protect an individual's life from an imminent threat.

After a consultation, any assertion of constitutional rights by the juvenile through legal counsel must be treated as though it came from the juvenile. The waiver of any constitutional rights of

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the juvenile may only be made according to the requirements of RCW 13.40.140 (judicial rights) (RCW 13.40.740).

312.12.1 RECORDING OF INTERVIEWS OR INTERROGATIONS

Custodial interrogations or interviews of juvenile suspects shall be recorded in their entirety, including the giving of any required warning, advice of the rights of the individual being questioned, and the waiver of any rights of the individual (RCW 10.122.020; RCW 10.122.030). See the Investigation and Prosecution Policy for specific recording requirements.

312.13 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

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

312.14 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.

312.14.1 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 Administrative Chief Deputy and the appropriate Major Crimes Unit supervisors to ensure that personnel of those bureaus act within legal guidelines.

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312.15 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

Adult Abuse

313.1 PURPOSE AND SCOPE

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

313.1.1 DEFINITIONS

Definitions related to this policy include:

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

313.2 POLICY

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

313.3 MANDATORY NOTIFICATION

Members of the Kittitas 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 Coroner shall also be notified when there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect, or abandonment by another person (RCW 74.34.035).

For purposes of notification, the following definitions apply (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 intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement or restraint, sexual abuse, physical abuse, financial exploitation, mental abuse, intimidation, or punishment.
- A vulnerable adult is a person who meets any of the following criteria:
 - (a) Is 60 years or older and who has the functional, mental, or physical inability to care for oneself.
 - (b) Is found by the superior court to be incapacitated under RCW 11.130.005 et seq.
 - (c) Has a developmental disability as defined under RCW 71A.10.020.
 - (d) Is admitted to any facility as defined in RCW 74.34.020 (e.g., assisted living facility, nursing home, other facility licensed by DSHS).

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

313.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (RCW 74.34.035):

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

313.4 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.

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- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

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

313.5 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for oneself, the deputy should make reasonable attempts to contact DSHS. Generally, removal of an adult abuse victim from the abuse victim's 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 the abuse victim's 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 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.

313.6 INTERVIEWS

313.6.1 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

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practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

313.6.2 DETAINING VICTIMS FOR INTERVIEWS

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

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

313.7 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 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, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

313.8 DRUG-ENDANGERED VICTIMS

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

313.8.1 SUPERVISOR RESPONSIBILITIES

The Major Crimes Unit 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 Major Crimes Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene

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where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the adult.

313.8.2 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 Major Crimes Unit supervisor so an interagency response can begin.

313.9 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

313.9.1 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, the deputy has the authority to arrest the person without a warrant (RCW 10.31.100).

313.9.2 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for:

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

313.9.3 RELEASE OF REPORTS

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

313.9.4 PROTECTIVE ORDERS

In any situation which a deputy reasonably believes that a vulnerable adult has been abused, abandoned, or subjected to financial exploitation or neglect, or threatened with such actions, the deputy should obtain a protective order against the person alleged to have committed or threatened such abuse pursuant to RCW 74.34.110 or RCW 7.105.100.

313.10 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.

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- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

Discriminatory Harassment

314.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

314.2 POLICY

The Kittitas 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 nondiscrimination 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.

314.3 DEFINITIONS

Definitions related to this policy include:

314.3.1 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 actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status 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; making 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 a work environment that is free of discrimination.

Harassing or discriminatory speech communicated through online platforms or other electronic means may constitute harassment and be subject to discipline even if it occurs outside work hours or in non-work-related contexts, if workplace conditions or working relationships are impaired by the harassing or discriminatory behavior, messages, or posts.

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314.3.2 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.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

314.3.3 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 and Washington State Human Rights Commission guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's 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.

314.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

314.4 RESPONSIBILITIES

This policy applies to all office members, who shall follow the intent of these guidelines in a manner that reflects office policy, professional 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 the member's 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, the Director of Human Resources, or the Board of County Commissioners.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or 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.

314.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring their subordinates understand their responsibilities under this policy.
- (d) Ensuring 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) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Sheriff or the Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

314.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Office and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

314.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Sheriff, the Director of Human Resources, or the Board of County Commissioners for further information, direction, or clarification.

314.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member 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

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discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

314.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

314.5.2 FORMAL INVESTIGATION

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

The member assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not 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, the Director of Human Resources, or the Board of County Commissioners.

314.5.3 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 against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

314.6 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:

- (a) Approved by the Sheriff, the Board of County Commissioners, or the Director of Human Resources, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

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314.6.1 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.

Child Abuse

315.1 PURPOSE AND SCOPE

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

315.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

315.2 POLICY

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

315.3 MANDATORY NOTIFICATION

Members of the Kittitas 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, female genital mutilation, and human trafficking; injury inflicted by any person under circumstances that cause harm to the child's health, welfare, or safety, excluding lawful discipline; and the negligent treatment or maltreatment by a person who is responsible for, or providing care to, a child (RCW 26.44.020).

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

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

315.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (RCW 26.44.030(5)):

- (a) In emergency cases, notification to CPS should be made immediately when the child's welfare is endangered but in all such cases within 24 hours.

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- (b) In non-emergency cases, notification to CPS shall be made within 72 hours after a report is received.
- (c) Notification, when possible, should include (RCW 26.44.040):
 - 1. The name, address and age of the child.
 - 2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
 - 3. The nature and extent of the alleged injury or injuries.
 - 4. The nature and extent of the alleged neglect.
 - 5. The nature and extent of the alleged sexual abuse.
 - 6. Any evidence of previous injuries, including the nature and extent of the injury.
 - 7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.
- (d) The Office shall forward all case dispositions to CPS.

315.4 QUALIFIED INVESTIGATORS

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

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (RCW 26.44.180).

315.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (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.

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- (c) Any relevant statements the child may have made and to whom the child 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 26.44.185).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

315.6 PROTECTIVE CUSTODY

When feasible, the deputy should make reasonable attempts to contact CPS before taking any child into protective custody. Generally, removal of a child from the child's family, guardian, or other responsible adult should be done in coordination with child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should only remove a child from the child's parent or guardian without a court order when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. If CPS cannot be notified prior to taking a child into protective custody, the deputy shall notify CPS as soon as practicable and that deputy or another deputy shall maintain personal custody of the child until that custody can be transferred to CPS. CPS will determine the placement of a child taken into protective custody.

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 taking the child into custody is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, a high-potency synthetic

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opiod, or a pattern of severe neglect, and that the child would be seriously injured or could not be taken into custody if it were necessary to first obtain a court order (e.g., the child could be taken and concealed).

315.7 INTERVIEWS

315.7.1 PRELIMINARY INTERVIEWS

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

315.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

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

315.7.3 TRAINING REQUIREMENT

Only those members who have successfully completed Washington State Criminal Justice Training Commission (WSCJTC) sponsored training on interviewing child victims of sexual abuse shall participate in or conduct such interviews. Interviews of children who are suspected victims of sexual abuse will be conducted in compliance with the training standards set forth in RCW 43.101.224.

315.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a

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medical examination, the notified supervisor should consider obtaining a court order for such an examination.

315.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking, or use of narcotics.

315.9.1 SUPERVISOR RESPONSIBILITIES

The Major Crimes Unit Supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Major Crimes Unit Supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

315.9.2 DEPUTY RESPONSIBILITIES

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

- (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 Major Crimes Unit Supervisor so an interagency response can begin.

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

315.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 42.56.240).

Records and information may be made available to multidisciplinary investigative team members as necessary for the performance of the member's duties as a member of the team. Members receiving records and information are subject to the same privacy and confidentiality restrictions as the person providing the information or records (RCW 26.44.175).

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315.10.2 ARREST WITHOUT WARRANT

When a deputy responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause that a crime has been committed, or the deputy responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.44.130).

315.10.3 CASE SUBMISSION TO PROSECUTOR

The Kittitas County Sheriff's Office shall forward all cases of child abuse to the appropriate prosecutor when a crime may have been committed and (RCW 26.44.030):

- (a) A child has died or has had a physical injury.
- (b) Injuries were inflicted upon a child other than by accidental means.
- (c) A child has been subjected to alleged sexual abuse.

315.10.4 AGENCY COORDINATION

If this office responds to a complaint of alleged child abuse and discovers that another agency has also responded to the complaint, this office shall notify the other agency of its presence. The agencies shall coordinate the investigation and keep each other apprised of progress (RCW 26.44.035).

315.10.5 LOCAL CHILD ABUSE PROTOCOLS

The Major Crimes Unit 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 26.44.185).

315.10.6 CONFLICT OF INTEREST IN INVESTIGATIONS

A deputy shall not participate as an investigator in a child abuse case concerning a child for whom he/she is, or has been, a parent, guardian or foster parent (RCW 26.44.190).

315.10.7 POSTING OF MANDATED REPORTER REQUIREMENTS

The Inspector shall ensure that the CPS mandated reporting requirements for child abuse and neglect are posted in a member common area (RCW 26.44.030).

315.10.8 CHILD FATALITY INVESTIGATIONS

The Office should cooperate with any local health department child fatality investigation (RCW 70.05.170).

315.11 TRAINING

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.

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- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.
- (g) Recognizing abuse that requires mandatory notification to another agency.

Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - 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. Out of the zone of safety for their chronological age and developmental stage
 - 2. Mentally or behaviorally disabled
 - 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening
 - 4. Absent from home for more than 24 hours before being reported to law enforcement as missing
 - 5. In a life-threatening situation
 - 6. In the company of others who could endanger their welfare
 - 7. 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.
 - 8. 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), the National Missing and Unidentified Persons System (NamUs), and the Washington Crime Information Center (WACIC).

316.2 POLICY

The Kittitas 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 Kittitas County Sheriff's Office gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

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316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Major Crimes Unit 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 (RCW 43.43.876)
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

316.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

316.5 INITIAL INVESTIGATION

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

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast "Be on the Look-Out (BOLO) bulletin" if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks:
 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.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
- (g) Collect and/or review:

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

316.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

316.6.1 SUPERVISOR RESPONSIBILITIES

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

- (a) Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly sent to the Records Section.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.

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- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

316.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section 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 Major Crimes Unit.
- (e) Coordinating with the NCIC Terminal Contractor for Washington to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

316.7 MAJOR CRIMES UNIT 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 party 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.
- (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.

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- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the WSP Missing and Unidentified Persons Unit (MUPU) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

316.7.1 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED

When a person reported missing has not been found within 30 days of the report or at any time when criminal activity is suspected, the handling detective shall contact the county coroner or medical examiner to determine if that office has any information concerning the missing person. If, after conferring with the coroner or medical examiner, the person is still determined to be missing, the handling deputies shall:

- (a) File a missing person's report with MUPU.
- (b) Initiate the collection of biological samples from the known missing person and his/her family members for nuclear and mitochondrial DNA testing along with the necessary consent forms, if not previously obtained during the investigation.
- (c) Ask the missing person's family or next of kin to give written consent to request the person's dental records.
 - 1. Whenever possible, obtain diagnostic quality copies or original records of the missing person's dental records. As soon as possible, biological samples shall be submitted to the appropriate lab; dental records shall be submitted to MUPU (RCW 43.43.751; RCW 68.50.320).

In all missing person cases, the assigned detective should attempt contact with the reporting party no less than every 30 days in order to verify the status of the reported missing person. After 12 months, contact with the reporting party should be attempted yearly. All verifications should be reported to WSP via A Central Computerized Enforcement Service System (ACCESS).

316.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party,

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as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The Administrative Chief Deputy should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to MUPU.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MUPU.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
- (c) Use available resources, such as those related to missing persons, to identify the person.

316.9 CASE CLOSURE

The Major Crimes Unit Supervisor may authorize the closure of a missing person case after considering the following:

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

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316.10 TRAINING

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

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

Public Alerts

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

317.3 RESPONSIBILITIES

317.3.1 MEMBER RESPONSIBILITIES

Members of the Kittitas County Sheriff's Office should notify their supervisor or Major Crimes Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Chief Deputy and the Public Information Officer when any public alert is generated.

The supervisor overseeing the investigation shall ensure that:

- (a) Alerts are updated with up-to-date and relevant information
- (b) Alerts are canceled when appropriate
- (c) All related reports are completed in timely fashion
- (d) An after-action evaluation of the incident and the use of the Alert system is forwarded to the Chief Deputy

317.4 WASHINGTON STATEWIDE AMBER ALERT

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 Kittitas County Sheriff's Office participates in this partnership and may initiate an AMBER Alert to disseminate information to the public when the criteria for an AMBER Alert are met.

317.4.1 ALERT CRITERIA

The following criteria must exist prior to requesting an AMBER Alert:

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- (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) The incident must be reported to and investigated by a law enforcement agency.
- (e) 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.

317.4.2 PROCEDURE

Should the Patrol Sergeant or supervisor determine that the incident meets the criteria of the Washington Statewide AMBER Alert Plan, the Patrol Sergeant or supervisor should:

- (a) Ensure that office protocol is followed regarding approval of the alert.
- (b) Ensure the Alert Data Entry Form is completed as fully as available information allows.
- (c) Email and follow up with phone contact as the Alert Data Entry Form stipulates to confirm the request for entry.

317.4.3 INITIAL NOTIFICATIONS

Upon initiation of an AMBER Alert, the Patrol Sergeant or supervisor shall:

- (a) Confirm Kittcom entry of information into the Washington Crime Information Center (WACIC) and National Crime Information Center (NCIC) databases.
- (b) Promptly notify the Sheriff and the operations Chief Deputy of the 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. Details regarding location of incident, direction of travel, potential destinations, etc., if known.

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3. Name and telephone number of the Public Information Officer or other authorized point of contact to handle media and law enforcement liaison.
4. A telephone number and point of contact for the public to call with leads or information.

317.5 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 Kittitas County Sheriff's Office participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of an Endangered Missing Person.

An endangered missing person advisory may be initiated to request assistance locating:

- (a) A person believed to be endangered because of age, health, mental or physical disability, in combination with environmental or weather conditions, or who is believed to be unable to return to safety without assistance and who is disabled or a vulnerable adult, or a person with Alzheimer's or other age-related dementia; or
- (b) A missing indigenous person (RCW 13.60.010).

An Endangered Mission Person Advisory may be termed:

- (a) A "Silver alert" when initiated to assist in the recovery of a missing endangered person age 60 or older.
- (b) A "Missing indigenous person alert" when initiated to assist in the recovery of a missing indigenous person.

317.5.1 ADVISORY CRITERIA

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

- (a) The person is missing under unexplained, involuntary or suspicious circumstances.
- (b) The person has a developmental disability, is a vulnerable adult or is believed to be in danger because of age, health, mental or physical disability, in combination with 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.

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317.5.2 PROCEDURE

Should the Patrol Sergeant or supervisor determine that the incident meets the criteria of an Endangered Missing Person Advisory, the Patrol Sergeant or supervisor should:

- (a) Ensure all available information concerning the Endangered Missing Person and the incident are gathered and documented.
- (b) Ensure the WSP Alert Data Entry form is completed and submitted following the directions on the form.
- (c) Direct Records Section personnel to enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).
- (d) Notify Kittcom of the advisory and ensure that it is prepared to handle a high volume of telephone calls.
- (e) Ensure that the handling deputy attempts to obtain a photograph of the missing person and/or suspect as soon as possible.
- (f) Direct the Records Section to enter the photograph into WACIC and NCIC, then send an email to the WSP Missing & Unidentified Persons Unit (MUPU).
- (g) Appoint a Public Information Officer to handle the media.
 - 1. The Public Information Officer should notify the media through appropriate channels regarding the Endangered Person Advisory. Upon request, the WSP MUPU can provide electronic posters with details of the missing person.
 - 2. If the Endangered Missing Person is 21 years of age or younger, NCMEC should be notified as soon as practicable.
- (h) The Records Section personnel should promptly cancel the advisory after an Endangered Missing Person is located by sending an administrative message through A Central Computerized Enforcement Service System (ACCESS), noting that the person has been found.

317.6 BLUE ALERTS

The Blue Alert system is a voluntary cooperation between law enforcement, state government agencies and local broadcasters to enhance the public's ability to assist in locating and apprehending persons suspected of killing or seriously injuring a law enforcement officer (RCW 10.108.030).

The Kittitas County Sheriff's Office participates in this partnership and may initiate a Blue Alert to disseminate information to the public when the criteria for a Blue Alert are met.

317.6.1 CRITERIA

All of the following criteria are required to exist prior to initiating a Blue Alert (RCW 10.108.030):

- (a) The suspect has not been apprehended.
- (b) The suspect poses a serious threat to the public.

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- (c) Sufficient information is available to disseminate to the public to assist in locating and apprehending the suspect.
- (d) The release of the information will not compromise the investigation.
- (e) The release of the information will not improperly notify a deputy's next of kin.

317.6.2 PROCEDURE

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

- (a) Direct Kittcom to prepare a Blue Alert administrative message through ACCESS. The words, "Blue Alert Advisory" should be included in the title of the message.
- (b) Contact WSP Communications to verify that the advisory was received and, if available, provide the suspect's vehicle information and request the Washington Department of Transportation (WSDOT) to activate variable message signs.
- (c) Ensure that descriptive information about the suspect, the suspect's whereabouts and the suspect's method of escape is disseminated.
- (d) Appoint a Public Information Officer to issue press releases and handle media inquiries.
 - 1. The Public Information Officer should be updated continually and be in constant contact with all media outlets to obtain maximum media exposure, provide updates and cancel the Blue Alert when appropriate.
- (e) Advise Kittcom of the Blue Alert and ensure that it is prepared to handle a high volume of telephone calls.
- (f) Ensure that a press release is issued cancelling the Blue Alert.

317.7 OTHER RESOURCE CONSIDERATIONS

The Patrol Sergeant 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)
 - Monitor the Cyber Tipline® link and post missing children alerts
- (d) The National Oceanic Atmospheric Administration (NOAA) which will relay AMBER Alerts over Weather Radio).

317.8 HIT-AND-RUN ALERTS

The Hit-and-Run Alert system is a program of cooperation among state, local, and tribal law enforcement agencies and WSDOT to enhance the ability to identify and recover a fleeing vehicle involved in a serious injury or fatality hit-and-run collision.

317.8.1 CRITERIA

All of the following criteria must exist prior to initiating a Hit-and-Run Alert:

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- (a) A hit-and-run collision resulting in serious injury or death occurred (RCW 46.52.020).
- (b) Enough descriptive information is available to assist in locating the suspect vehicle, such as a full or partial license plate, a description of the vehicle and any possible damage to it, location, or direction of travel when last seen.
- (c) The incident has been reported and is being investigated by a law enforcement agency.

317.8.2 PROCEDURE

Should the Patrol Sergeant or supervisor determine that the incident meets the criteria of a Hit-and-Run Alert, the Patrol Sergeant or supervisor should:

- (a) Ensure that office protocol is followed regarding approval of the alert.
- (b) Ensure the appropriate form is completed.
- (c) Email the form to the WSP Hit-and-Run Alert Activation Team and immediately call the Team to discuss the activation.
- (d) Notify Kittcom of the advisory and ensure that it is prepared to handle a high volume of telephone calls.
- (e) Appoint a PIO to handle media inquiries.

The Records Section personnel should promptly cancel the alert when no longer needed by sending an email to the WSP Hit-and-Run Alert Activation Team.

Hate Crimes

318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.2 DEFINITIONS

Definitions related to this policy include:

Hate crime - A crime motivated wholly or in part by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

318.6 INVESTIGATIONS

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) Assigned deputies should 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 the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned deputies should take reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, deputies should take appropriate action to mitigate further injury or damage to potential victims or the community.
- (e) Depending on the situation, the assigned deputies or supervisor may request assistance from investigators or other resources.
- (f) The assigned deputies should interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (g) The assigned deputies should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim Witness Assistance Policy.
- (h) The assigned deputies should include all available evidence indicating the likelihood of a hate crime in the relevant reports.
- (i) The assigned deputies and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Anti-Harassment Protective Order (AHPO)) through the courts or County Prosecutor.

318.6.1 MAJOR CRIMES UNIT RESPONSIBILITY

If a hate crime case is assigned to the Major Crimes Unit, the assigned investigator will be responsible for:

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- (a) Coordinating further investigation with the County Prosecutor and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.

318.4 POLICY

The Kittitas County Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Kittitas County Sheriff's Office and are expected of all office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this office or a member's supervisors.

319.2 POLICY

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

319.3 DIRECTIVES AND ORDERS

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

319.3.1 UNLAWFUL OR CONFLICTING ORDERS

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

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following an order that is known to be unlawful is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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

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319.3.2 SUPERVISOR RESPONSIBILITIES

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

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

319.4 GENERAL STANDARDS

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

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

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

319.5 CAUSES FOR DISCIPLINE

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

319.5.1 LAWS, RULES AND ORDERS

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

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319.5.2 ETHICS

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

319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

319.5.4 RELATIONSHIPS

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

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319.5.5 ATTENDANCE

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

319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

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

319.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Office within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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319.5.8 PERFORMANCE

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

319.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on the member's part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy (RCW 10.93.190).

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

319.5.10 SAFETY

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

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- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

319.5.11 INTOXICANTS

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

Information Technology Use

320.1 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.

320.1.1 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 Kittitas 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), 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 and firmware. 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.

320.2 POLICY

It is the policy of the Kittitas 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.

320.3 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).

320.4 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 Patrol Sergeants.

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.

320.4.1 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.

320.4.2 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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320.4.3 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 from the internet shall be limited to messages, mail, and data files.

320.4.4 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.

320.5 PROTECTION OF 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. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

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.

320.6 ADVANCED DATA PROCESSING AND ANALYTICS ("ARTIFICIAL INTELLIGENCE")

Computing systems, including both online and software based systems, may include advanced data processing and analytical tools referred to as "artificial intelligence" ("AI"), "generative AI", "algorithmic intelligence", "language modeling", or other terms. In this policy, "AI" refers to a broad spectrum of advanced analytical and predictive tools, from data processing through predictive modeling, text and image generation, and other emerging technologies in this rapidly changing field.

AI may only be used in the work of the Sheriff's Office when the user is alert to potential problems and with the following conditions:

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1. **Members are responsible for their work.** Office members who use AI must independently verify and be prepared to explain any statement, analysis, conclusion, or prediction generated with the assistance of AI. Members are accountable for the reliability of their work, regardless of which technologies and tools are used to prepare it. If a member incorporates analysis or information generated or selected by AI into their work, the member assumes full responsibility for it.
2. **Be aware of the possibility of bias and avoid it.** AI uses complex algorithms to analyze and borrow from very large data sets. End users often don't know what dataset is used or how it is used. The data used by AI, the algorithms that process that data, or both, may build bias into any analysis or media generated by AI. Members who use AI shall ensure their work does not contain or reflect any bias against any person or group with constitutional protections.
3. **Obey copyright and IP laws.** AI systems may borrow or modify text, images, or other media in ways that violate copyright laws or infringe on the Intellectual Property (IP) of others. Members shall not incorporate text or media generated by AI into their work when they know, or should reasonably know, that it violates copyright law or infringes on the IP of another.
4. **Safeguard private and sensitive information.** No Protected Information (as defined in policy 803 PROTECTED INFORMATION) shall be provided for processing or analysis by any AI system that is not approved by the Sheriff's Office for this purpose. If a member uses any internet-connected AI tool that is not part of a CJIS-certified system, they shall not enter any information or data that is clearly identifiable to the Sheriff's Office or Kittitas County.

320.7 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.

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.

Report Preparation

321.1 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.

321.1.1 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 forms/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.

321.2 REQUIRED REPORTING

All reports are required to be submitted via Spillman and work-flowed to the appropriate supervisor for approval.

321.2.1 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., CAD report).

321.2.2 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.

321.2.3 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.

321.2.4 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.

321.2.5 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.

321.3 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.

321.3.1 GENERAL USE OF OTHER HANDWRITTEN FORMS

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

321.4 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

321.5 ELECTRONIC SIGNATURES

Your electronic signature is authenticated by your secure login to the county system and the Spillman system.

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321.6 ARREST REPORTS

All custodial arrest reports will be completed prior to the end of shift. Other reports including noncustodial arrests and traffic infractions/criminal citations, may be delayed to the next day with supervisor permission..

321.7 REPORTS ADDRESSING PROPERTY

All reports addressing property will be completed prior to the end of shift. However, with prior approval from the shift supervisor reports addressing property may be held and accomplished on the deputy's next duty day. Please see Property Report Procedure KCSO-18-2 located on CAMAS.

321.8 STOLEN VEHICLE REPORTS AND RECOVERIES

When taking a stolen vehicle report, deputies will enter the victim's/responsible party's contact telephone number onto the report form.

The victim will be notified as soon as practical. if the vehicle owner/responsible party cannot be contacted or is unable to respond within a reasonable time the vehicle will be towed at the owner's expense.

Prior to clearing the call the deputy will inform Kittcom communications center by voice (using either a radio or telephone) of the confirmed stolen vehicle.

All stolen vehicle reports will be completed prior to the end of shift.

321.8.1 RECOVERED STOLEN VEHICLES

When a stolen motor vehicle is recovered, it is the primary duty of the deputy to secure the vehicle and any valuable items contained in it. The vehicle will be checked for evidence. If evidence is found it will be identified and taken to the property room. Unless needed for evidence, all motor vehicles will be released to the owner, or towed at the owner's expense as authorized by RCW 46.55.113. If the motor vehicle is to be held as evidence or for further processing, the deputy will advise his/her supervisor. The supervisor will approve or disapprove the impound. If approved, the deputy will utilize the Sheriff's Office contract towing company.

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. The recovering officer will record the recovery and preliminary investigation using a Stolen Vehicle Recovery form and any other additional suspect, witness, property or additional forms that are needed to completely document the incident.

321.9 GENERAL REPORTS

Upon the completion of a report the deputy will work flow the report to their supervisor for review. When multiple deputies are writing reports for the same incident, only the primary deputy will complete the main narrative, all other related reports will be submitted as supplemental reports.

All general reports not addressing property should be completed prior to the end of shift.

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With supervisor approval, completion can be delayed past 24 hours.

321.9.1 INCOMPLETE REPORTS

If it becomes 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.

Only reports of a general nature may be approved to be completed later. With supervisor approval, completion can be delayed past 24 hours. Held reports will be entered into Spillman as "INCOMPLETE" using the codes listed in the Red book. 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.

321.9.2 ROUTING OF REPORTS

All documents sent to the Records Section will have an attached case procession sheet form. The case procession sheet shall be complete and accurate and approved by the supervisor.

All reports and infractions/citations reviewed by the supervisor will be submitted to the Records Section for appropriate distribution. Reports alleging criminal conduct by members of the Kittitas County Sheriff's Office will be submitted to the Records Section for appropriate distribution with copies forwarded to the Sheriff and the member's command staff.

321.9.3 SUPPLEMENTAL REPORTS

Supplemental reports will be completed prior to the end of the shift, unless approved by a supervisor. Supplemental reports should be submitted when:

- (a) The deputy is part of a crime scene investigation, to include search, protection or assisting in any way.
- (b) The deputy assists in arresting or apprehending a law violator.
- (c) The deputy uses force on a person, assists in a use of force incident, or is present at a use of force incident.
- (d) 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).
- (e) The deputy is conducting a followup investigation whether the investigation produces positive or negative results.
- (f) The deputy provides transport for an arrested person or a person detained for mental health reasons.
- (g) The deputy collects, seizes, transports or otherwise has control of property whether the property is placed in the evidence room or not.
- (h) The deputy conducts any investigation (including checking a location for a missing or runaway person) at the direction of dispatch.
- (i) The deputy is directed to do so by a supervisor.

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321.10 ELECTRONIC RECORDS MANAGEMENT SYSTEM (SPILLMAN)

Spillman is the central records management system used by public safety. The records management system houses all the data entry of: Names, businesses, law enforcement records, property, vehicle, traffic information, jail management, etc.

321.10.1 SECURITY

Deputies will log into their computer with their own personal user identification and password only. Passwords must be changed quarterly. Utilizing another's password is prohibited. Deputies will not leave the Spillman Running on shared computers when not in use.

321.10.2 SUPERVISOR RESPONSIBILITY

Supervisors are responsible to see that all reports are submitted, reviewed, corrected, approved and workflowed to records in a timely fashion.

Supervisors will review all reports for content, accuracy, completeness and punctuation. When approved the report will be forwarded to the records section for finalization.

If a report requires correction, modification the supervisor will work flow the report back to the deputy for correction.

The supervisor will also monitor the incomplete/returned log.

321.10.3 PROCEDURE

The Sheriff's Office records Section and the Administrative Assistant is responsible for maintaining and updating the reporting procedures. All personnel will follow the following procedures. Red book procedures: [Circumstances codes](#), Clearance codes A-Z, Dispo cheat card, KCSO LE how to flip chart, observed codes - offense codes and searching in summit for flip chart.

Media Relations

322.1 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.

322.2 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 or situations in which the Sheriff has given prior approval, the Inspector, Division Chiefs and Shift Supervisors may prepare, review and release information to the media in accordance with this policy and the applicable law.

322.2.1 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 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.

322.3 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) 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 will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Inspector or other designated spokesperson.
 - 2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for

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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).

- (b) No member of this office who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.
- (c) 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. Sheriff's Office members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through the Inspector or designated staff.

322.3.1 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.

322.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Sheriff's Office will maintain records of significant law enforcement activities that shall be made available, upon request, to media representatives through the Command Staff. 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.
- (b) The date, time, location, case number, name, age, date and charges for each person arrested by this agency unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

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At no time shall identifying information pertaining to a juvenile arrestee, victim, or witness be publicly released except as permitted under RCW 13.50.010 and .050, or with prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or as otherwise approved through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the Records Division. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56). and Kittitas County policies.

322.4.1 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.

322.4.2 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

323.1 PURPOSE AND SCOPE

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

323.2 POLICY

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

323.3 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 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).

323.3.1 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 County Prosecutor 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 Kittitas 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 Kittitas 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.

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

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323.3.2 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.

323.3.3 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.

323.4 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.

323.5 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.

323.6 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 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.

323.6.1 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.

323.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the collective bargaining agreement.

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323.7.1 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

324.1 PURPOSE AND SCOPE

The Kittitas County Sheriff's Office Reserve Unit was established to supplement and assist regular sworn Deputy Sheriff's deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels.

324.1.1 DEFINITIONS

Definitions related to this policy include:

Reserve deputy – An individual who does not serve as a regularly employed, fully compensated deputy but is fully commissioned on the same basis as regularly employed, fully compensated deputies to enforce the criminal laws of this state when called into active service by the Office (RCW 43.101.010).

324.2 SELECTION AND APPOINTMENT OF DEPUTY SHERIFF'S RESERVE DEPUTIES

The Kittitas 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 office.

324.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular Deputy Sheriff's deputies before appointment (RCW 43.101.095).

Before appointment to the Deputy 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).

324.2.2 APPOINTMENT

Applicants who are selected for appointment to the Deputy 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 Kittitas County Sheriff's Office shall immediately notify the CJTC of appointments on a CJTC personnel action report form (WAC 139-05-810).

324.2.3 COMPENSATION FOR DEPUTY SHERIFF'S RESERVE DEPUTIES

Compensation for reserve deputies is provided as follows:

All reserve deputy appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve deputy shall be returned to the Office upon termination or resignation.

324.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES

Qualified employees of this office, when authorized, may also serve as reserve deputies. However, the Office must not utilize the services of a reserve or volunteer in such a way that it would violate

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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 Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

324.3 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 Operations Division. Reserve deputies may be assigned to other areas within the Office as needed. Reserve deputies should work a minimum of 20 hours per month.

324.3.1 POLICY COMPLIANCE

Deputy Sheriff's reserve deputies shall be required to adhere to all office 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.

324.3.2 RESERVE DEPUTIES ASSIGNMENTS

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee.

324.3.3 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.

324.4 FIELD TRAINING

324.4.1 TRAINING OFFICERS

Deputies of this office, who demonstrate a desire and ability to train reserve deputies, may train the reserves during Phase II, subject to Patrol Sergeant approval.

324.4.2 PRIMARY TRAINING OFFICER

Deputies interested in training new reserves should express their interest to their supervisor.

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Upon completion of the Reserve Academy, Each Reserve Deputy will be given a class 2 training outline. Reserve Deputies will be assigned to various deputies for additional training. Training will include all aspects of law enforcement but with a focus on the class 2 sign offs and benchmarks. These assignments will be approved in advance by a supervisor.

324.4.3 FIELD TRAINING MANUAL

Each new reserve deputy will be issued a Field Training Manual at the beginning of his/her Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Kittitas 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.

324.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Class 3 to class 2) the Reserve Sergeant and or a 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 Class 2 status and will now further their law enforcement training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

324.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase: The reserve deputy will no longer be required to ride with full time deputies only. The reserve deputy may now ride with any non probationary deputy to include class 1 reserve deputies, as approved by a shift supervisor.

As members progress through their class II training they may be allowed to patrol with another class II deputy. These pre authorized patrols will primarily consist of secondary response to calls for service, and civil paper service.

During Phase II of training, as with Phase 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.

324.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve deputy must have completed the FTO manual and will be assigned to an FTO deputy. During this phase, the training deputy will evaluate the reserve deputy for suitability to graduate from the formal training program.

At the completion of Phase III training, the Reserve Sergeant and FTO Deputies will note and forward their recommendations to the Reserve Coordinator. Based upon the reserve deputy's evaluations, plus input from the FTO deputies, the Reserve Coordinator shall decide if the reserve deputy has satisfactorily completed his/her formal training. If the reserve deputy has progressed

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satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

324.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve deputy has satisfactorily completed all three phases of formal training, he/she can request a class 1 status change. Class 1 status allows the reserve to ride with any full time deputy and or patrol as a solo unit assigned to a shift. Class 1 reserves will only patrol solo with the approval of the on shift supervisor.

324.4.8 IN-SERVICE TRAINING

All reserve deputies will successfully complete an annual in-service training program of no less than 24 hours, which shall begin on Jan. 1 of the calendar year following appointment (WAC 139-05-300).

324.5 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 Chief Deputy.

324.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve deputies may, with prior authorization of the Reserve Coordinator or a patrol supervisor, be relieved of the immediate supervision requirement. The reserve may assigned to function without immediate supervision for specific purposes and duration.

324.5.2 RESERVE DEPUTY MEETINGS

All reserve deputy meetings will be scheduled and conducted by the Reserve Sergeant or his designee. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained.

324.5.3 IDENTIFICATION OF RESERVE DEPUTIES

All reserve deputies will be issued a uniform badge and a Office identification card. The uniform badge shall say Reserve Deputy and be the same style 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.

324.5.4 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of this office.

324.5.5 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 command staff.

Reserve deputies are considered at-will employees with the exception that the right to hearing is limited to the opportunity to clear their name.

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Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual.

324.5.6 RESERVE DEPUTY EVALUATIONS

While in training reserves will be continuously evaluated. 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.

324.6 FIREARMS REQUIREMENTS

324.6.1 CARRYING WEAPON ON DUTY

It is the policy of this office to allow reserves to carry firearms only while on duty or to and from duty.

324.6.2 CONCEALED PISTOL PROHIBITED

No reserve deputy will be permitted to carry a concealed pistol while in an off-duty capacity, other than to and from work, except those reserve deputies who possess a valid Concealed Pistol License. An instance may arise where a reserve deputy is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve deputy may be permitted to carry a pistol more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to office standards. The weapon must be registered by the reserve deputy and be inspected and certified as fit for service by the office armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve deputy shall have demonstrated his/her proficiency with said weapon.

When a reserve deputy has satisfactorily completed all three phases of training (as outlined in FIELD TRAINING), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Sheriff with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve deputy's qualification will be individually judged. A reserve deputy's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve deputy remains in good standing with the Kittitas County Sheriff's Office Reserve Deputy Program.

324.6.3 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.

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324.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

324.8 TERMINATION OF RESERVE DEPUTY

If a reserve deputy is terminated for any reason, including resignation, the Kittitas County Sheriff's Office shall notify the CJTC on a CJTC personnel action form within 15 days of the termination (WAC 139-05-810).

Courthouse Security Deputies

325.1 PURPOSE AND SCOPE

The Kittitas County Sheriff's Office employs Courthouse Security Deputies to protect the safety of persons and property in Kittitas County facilities, including the Kittitas County Courthouse and other county-owned or county-operated properties. This policy establishes guidelines for the authority, duties, and command of Courthouse Security Deputies.

325.2 AUTHORITY AND DUTIES

325.2.1 COMMISSION AND AUTHORITY

Courthouse Security Deputies (CSD's) are specially commissioned peace officers with limited and specific law enforcement authority (RCW 10.93.020). CSD's are authorized by the Sheriff to detain those who endanger persons or property in county facilities or on county property; and to act as security personnel at other locations as assigned. They are authorized to obey orders from a presiding judge to take persons in the courtroom into custody, and to execute other orders of the court.

CSD's should not exercise law enforcement authority when not at county facilities unless such action is necessary to stop an immediate threat to public safety.

CSD's are subject to all policies governing the use of force, firearms, constitutional law enforcement, and other policies of this office which pertain to operations within the scope of their duties and commission.

When performing their primary public safety duties on county properties, CSD's shall wear the assigned uniform of the Sheriff's Office. When performing non-security assignments at locations other than county facilities, CSD's may wear an alternate uniform in order to prevent confusion among the public about their law enforcement role.

325.2.2 DUTIES AND FUNCTIONS

In addition to their primary duty of public safety at county facilities, Courthouse Security Deputies (CSD's) may assist the courts in the proper and orderly conduct of court business. They may assist the public in accessing county services or provide incidental assistance to offices and departments in county facilities when such auxiliary functions do not detract from their primary security function.

CSD's may perform vehicle transports of adult or juvenile persons in custody for the Jail or Patrol Divisions, the Courts, or Juvenile Probation.

CSD's may perform civil process service or other civil functions of the Sheriff's Office at county facilities or in any part of the county where such process shall be served.

CSD's may perform other duties within the scope of their special commission, as assigned.

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325.3 ORGANIZATION AND COMMAND

Courthouse Security Deputies report to the Courthouse Security Sergeant. The Courthouse Security Sergeant and all members of the unit are under the command of the Jail Superintendent.

Outside Agency Assistance

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

326.2 POLICY

It is the policy of the Kittitas 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.

326.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Patrol Sergeant'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 Patrol Sergeant 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.

326.3.1 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Kittitas County Sheriff's Office shall notify his/her supervisor or the Patrol Sergeant and Kittcom as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

326.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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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.

326.5 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 Patrol Sergeant.

326.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Chief Deputy or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Kittcom and the Patrol Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

Registered Offender Information

327.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Kittitas County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered offenders.

327.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

327.3 REGISTRATION

The Major Crimes Unit supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Washington State Patrol (WSP) within five working days in accordance with RCW 43.43.540. The Washington Association of Sheriffs and Police Chiefs (WASPC) shall be provided any requested information for the administration of the Sex Offender Information website (RCW 4.24.550).

A criminal investigation for failure to register will be initiated if a registrant refuses to provide any of the required information or complete the process.

327.3.1 CONTENTS OF REGISTRATION FOR SEX OR KIDNAPPING OFFENDERS

Sex or kidnapping offenders who are required to register must appear in person and provide the following (RCW 9A.44.130):

- Name
- Complete residential address or where he/she plans to stay
- Date and place of birth
- Place of employment
- Crime for which the person has been convicted
- Date and place of conviction
- Aliases
- Social Security number

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- 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 report weekly, in person, to the sheriff's office where he/she is registered. Forms used to record where the offender stayed during the week should include an express request for offenders to provide an accurate accounting of where they stayed to the county sheriff.

The registering member shall take photographs and fingerprints, which may include palmprints, of all sex/kidnapping offenders.

327.3.2 CONTENTS OF REGISTRATION FOR FELONY FIREARM OFFENDERS

Felony firearm offenders who are required to register must appear in person and provide the following (RCW 9.41.330; RCW 9.41.333):

- Name and any aliases
- Complete residential address or where he/she plans to stay
- Identifying information, including a physical description
- Crime for which the person has been convicted
- Date and place of conviction
- Names of any other county where the firearm offender may have registered

The registering member may take photographs and fingerprints of the felony firearm offender.

327.4 MONITORING OF REGISTERED OFFENDERS

The Major Crimes Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include, as applicable:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search, 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 Kittitas County Sheriff's Office, the Major Crimes Unit 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 Major Crimes Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Kittitas County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

327.4.1 OFFENDERS TRAVELING OUT OF THE COUNTRY

When written notice is received from a registrant who intends to travel outside of the United States, the Sheriff shall notify the United States Marshals Service as soon as practicable after receipt of notification and also of any further notice of changes or cancellation of travel plans (RCW 9A.44.130(3)).

327.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular sex/kidnapping registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a sex/kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex/kidnapping registrants should be provided the WASPC Sex Offender Information website or the Kittitas County Sheriff's Office's website.

The Administrative Chief Deputy shall release local sex/kidnapping registered offender information to residents in accordance with RCW 4.24.550 and in compliance with a request under the Public Records Act (RCW 42.56.001 et seq.).

Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

327.5.1 RELEASE NOTIFICATIONS FOR SEX OR KIDNAPPING OFFENDERS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The Kittitas County Sheriff's Office has no authority to direct where an offender may live.

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327.5.2 MANDATORY NOTIFICATION

The Major Crimes Chief Deputy shall ensure that:

- (a) A public notification is made for sex offenders who are classified as Risk Level III and who register in the County. The notice shall conform to the guidelines established in RCW 4.24.5501.
- (b) All information on sex/kidnapping offenders registered in the County is regularly updated and posted on the WASPC Sex Offender Information website (RCW 4.24.550(5)).

327.5.3 DISCRETIONARY DISSEMINATION FOR SEX OFFENDERS

Dissemination should be predicated upon the levels detailed below (RCW 4.24.550(3)):

- (a) Offenders classified as Risk Level I: The Office may disclose, upon request, relevant, necessary and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the sex offender resides, expects to reside or is regularly found, and to any individual who requests information regarding a specific offender.
- (b) Offenders classified as Risk Level II: In addition to the dissemination for Level I, the Office may also disclose relevant, necessary and accurate information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the sex offender resides, expects to reside or is regularly found.
- (c) Offenders classified as Risk Level III: In addition to the dissemination of Level I and Level II, the Office may also disclose relevant, necessary and accurate information to the public at large.
- (d) Homeless and transient sex offenders may present unique risks to the community due to the impracticality of localized notification. The Office may also disclose relevant, necessary and accurate information to the public at large for sex offenders registered as homeless or transient.

327.5.4 SCHOOL NOTIFICATIONS

The Sheriff has the responsibility of notifying the appropriate person at a school or other educational institution as set forth in RCW 9A.44.138 of any sex/kidnapping offender who attends or is employed there, and for providing the following information about the offender:

- Name
- Complete residential address
- Date and place of birth
- Place of employment

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- Crime for which the person has been convicted
- Date and place of conviction
- Aliases
- Photograph
- Risk level classification

327.6 SEX OFFENDER RISK ASSESSMENT

The Major Crimes Chief Deputy shall establish a procedure to review and assign an initial risk level classification of sex offenders who have moved or are released into this jurisdiction and the risk assessment level has not already been assigned by the Washington Department of Corrections. That procedure shall address (RCW 4.24.550(6)):

- The circumstances under which the Kittitas County Sheriff's Office is authorized to assign its own risk level.
- Risk level classification criteria.
- What risk assessment tools may be used and how such tools are scored.
- Assessment of known aggravating or mitigating factors related to the risk posed by the offender to the community.
- Notification process following a change in the risk level classification.
- The process for an offender to petition for review of the risk level classification.

Major Incident Notification

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this office in determining when, how and to whom notification of major incidents should be made.

328.2 POLICY

The Kittitas County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors and/or Command staff of this office to facilitate the coordination of activities and ensure that inquiries from the media, the public and other government entities may be properly addressed.

328.2.1 DEPUTY RESPONSIBILITY

Whenever handling an incident meeting these criteria, the assigned primary deputy will notify a supervisor as soon as feasible and submit via email a summary of the event containing information sufficient for a press release to the shift supervisor and Command staff prior to end of shift.

328.3 CRITERIA FOR NOTIFICATION

The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides or suspicious unattended death investigations.
- Assault 1 or 2 with injuries requiring hospitalization.
- Forcible rape or any child rape or molestation.
- Kidnapping.
- Arson resulting in significant property damage.
- Traffic accidents with fatalities.
- Traffic collisions with life threatening injuries, significant property damage, or unique or unusual circumstances.
- Extended roadway blockage or major disruption to traffic.
- Emergencies relating to flooding or other natural disaster.
- Hostage situations or barricaded subjects.
- Vehicle pursuits.
- Patrol vehicle collisions.
- Discharge of a firearm except to dispatch animals.
- Armed robberies.
- Injury of a Deputy requiring medical attention beyond that which is administered at the scene.

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- Regional disasters or mutual aid situations in which the County might provide assistance or aid.
- Any use of force resulting in substantial bodily harm, great bodily harm or death.
- An Officer Involved Shooting or other use of deadly force by a deputy, on- or off-duty.
- Incidents compromising the security or safety of the Kittitas County Jail.
- In custody deaths or serious injuries.
- Death of a prominent Kittitas official.
- Arrest of Office employee or prominent Kittitas official.
- Aircraft crash with major damage and/or injury or death.
- Any incident you believe is likely to generate media interest.
- Any other time you believe it prudent and appropriate to advise Command staff of an incident or issue.

328.4 PATROL SERGEANT OR ACTING SUPERVISOR RESPONSIBILITY FOR NOTIFICATIONS

The Patrol Sergeant or other acting supervisor is responsible for making the appropriate notifications. The Patrol Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification; they then shall attempt the notifications as soon as practical. The first attempt should be to notify the member's Division Chief Deputy. If that Chief cannot be reached, then a different Chief Deputy or the Inspector should be notified. Failing to reach any of these, the Sheriff should be notified directly.

328.4.1 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the MCU supervisor shall be contacted who will then contact the appropriate detective.

Death Investigation

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

329.2 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor should be notified as soon as reasonable and necessary to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Major Crimes Division Commander as necessary. The supervisor will make notification to command staff in accordance with the Major Incident Notification Policy.

329.2.1 CORONER JURISDICTION OVER REMAINS

The Coroner has jurisdiction of bodies of all deceased persons who come to their death suddenly in any of the following cases (RCW 68.50.010):

- (a) When in apparent good health without medical attendance within the thirty-six hours preceding death.
- (b) Where the circumstances of death indicate death was caused by unnatural or unlawful means.
- (c) Where death occurs under suspicious circumstances.
- (d) Where a Coroner's autopsy or postmortem or Coroner's inquest is to be held.
- (e) Where death results from unknown or obscure causes.
- (f) Where death occurs within one year following an accident.
- (g) Where the death is caused by any violence whatsoever.
- (h) Where death results from a known or suspected abortion; whether self-induced or otherwise.
- (i) Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation, or smothering.
- (j) Where death is due to premature birth or still birth.
- (k) Where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard.

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- (l) Where death results from alleged rape, carnal knowledge, or sodomy.
- (m) Where death occurs in a jail or prison.
- (n) Where a body is found dead or is not claimed by relatives or friends.

The body or human remains shall not be disturbed or moved from the position or place of death without permission of the Coroner (RCW 68.50.050).

329.2.2 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented thoroughly.

329.2.3 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the deputy shall take steps to protect the scene. The Major Crimes Unit shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Patrol Sergeant or Major Crimes Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of the investigator's supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

329.2.4 JUVENILE DEATHS

If the death involves a juvenile, command staff will be notified and the Investigations Division shall respond to the scene for further immediate investigation.

329.2.5 INDIGENOUS PERSONS

Upon knowledge that the remains are of an indigenous person, deputies shall attempt to identify and contact, as soon as practicable, family members and any affected tribes, tribal organizations, and communities prior to removal or disturbance of the remains, except where deemed necessary by the Coroner and deputies in the interest of safety or to preserve evidence for any ongoing criminal investigation. Efforts shall include attempts to facilitate contact through the regional liaison for missing and murdered indigenous persons pursuant to RCW 43.43.874 within 10 days of the Coroner having jurisdiction over the remains (RCW 68.50.325).

The lead investigator in cooperation with the Coroner shall provide the family member or representative of a list that contains any prohibited conduct when interacting with the remains including an explanation of why the conduct is prohibited. Additionally, any practices or ceremonies related to the remains by the family or representative require proper authorization by the Coroner and the lead investigator while the remains are under the jurisdiction of the Coroner (RCW 68.50.325).

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329.2.6 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this office who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Washington Division of Occupational Safety and Health (DOSH) office is notified of all pertinent information.

329.3 SECTION TITLE

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy 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 Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

Identity Theft

330.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

330.2 REPORTING

This office will initiate an incident report whenever a person reasonably suspects that his/her financial information or means of identification has been unlawfully obtained, used, or transferred to another person or entity in all cases where the victim resides or works within this jurisdiction, or where any part of the crime occurred within this jurisdiction. The employee receiving the report will ensure that the complainant can receive 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. The employee preparing the report should also cross-reference other known reports made by the victim (e.g., US Secret Service, credit reporting bureaus, US Postal Service and DOL) with known report numbers.

Following supervisory review and office processing, the reports with significant solvability factors should be evaluated for referral to the Major Crimes Unit for investigation, coordination with other agencies, and prosecution as circumstances dictate.

Limited English Proficiency Services

331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

331.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Office 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 Kittitas County Sheriff's Office, designated by the Office, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

331.2 POLICY

It is the policy of the Kittitas 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 Office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

331.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Chief Deputy or the authorized designee.

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

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- (a) Coordinating and implementing all aspects of the Kittitas 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 Patrol Sergeant and Dispatch Supervisor. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Office to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Office 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 office 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 office services, programs and activities.

331.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Office 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 office members, or who may benefit from programs or services within the jurisdiction of the Office or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with office members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

331.5 TYPES OF LEP ASSISTANCE AVAILABLE

Kittitas 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 Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Office 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 office-provided LEP services at no cost or they may choose to provide their own.

Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

331.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

331.7 AUDIO RECORDINGS

The Office may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

331.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established office 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 office is not available, personnel from other County departments, who have been identified by the Office as having the requisite skills and competence, may be requested.

331.9 AUTHORIZED INTERPRETERS

Any person designated by the Office 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 office 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 office and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

331.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Office 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 office 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 office, and with whom the Office has a resource-sharing or other arrangement that they will interpret according to office guidelines.

331.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Office to communicate with LEP individuals.

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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, office members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

331.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this office 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 office 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 Office or some other identified source.

331.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Kittitas County Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

331.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

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331.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized office 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.

331.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

331.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

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331.16 COMPLAINTS

The Office shall ensure that LEP individuals who wish to file a complaint regarding members of this office are able to do so. The Office 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 office.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

331.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

331.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Office will provide periodic training on this policy and related procedures, including how to access office-authorized telephonic and in-person interpreters and other available resources.

The Training Manager 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 Manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

331.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Chaplains

332.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Kittitas County Sheriff's Office chaplains to provide counseling or emotional support to members of the Office, their families and members of the public (RCW 41.22.030; RCW 41.22.040).

332.2 POLICY

The Kittitas County Sheriff's Office shall ensure that office chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

332.3 ELIGIBILITY

Requirements for participation as a chaplain for the Office may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

332.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Kittitas County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this office.

All applicants shall be required to meet and pass the same pre-employment procedures as office personnel before appointment.

332.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with office policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Office in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with office members before and during the selection process.

332.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.

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- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Sheriff and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Sheriff.

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

332.5 IDENTIFICATION AND UNIFORMS

As representatives of the Office, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by deputies through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Kittitas County Sheriff's Office identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Kittitas County Sheriff's Office identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or office property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this office.

332.6 DUTIES AND RESPONSIBILITIES

Chaplains assist the Office, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations Division. Chaplains may be assigned to other areas within the Office as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Office.

Chaplains may not proselytize or attempt to recruit members of the Office or the public into a religious affiliation while representing themselves as chaplains with this office. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Kittitas County Sheriff's Office.

332.6.1 COMPLIANCE

Chaplains are volunteer members of this office, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

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332.6.2 OPERATIONAL GUIDELINES

- (a) Chaplains will generally serve on an on-call as needed basis.
- (b) Chaplains shall be permitted to ride with deputies and observe Kittitas County Sheriff's Office operations, provided the Patrol Sergeant has been notified and has approved the activity.
- (c) In responding to incidents, a chaplain shall never function as a deputy.
- (d) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (e) Chaplains shall serve only within the jurisdiction of the Kittitas County Sheriff's Office unless otherwise authorized by the Sheriff or the authorized designee.

332.6.3 ASSISTING OFFICE MEMBERS

The responsibilities of a chaplain related to office members may include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

332.6.4 ASSISTING THE OFFICE

The responsibilities of a chaplain related to this office may include, but are not limited to:

- (a) Assisting members defusing a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Patrol Sergeant or supervisor aids in accomplishing the mission of the Office.
- (c) Responding to major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call or on-duty during major demonstrations or any public function that requires the presence of a large number of office members.
- (e) Attending office and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training.
- (g) Willingness to train others to enhance the effectiveness of the Office.

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332.6.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Office.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

332.7 PRIVILEGED COMMUNICATIONS

Sheriff's Office chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-agency counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Kittitas County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

332.8 TRAINING

The Office will establish training standards for office chaplains. The training, as approved by the Training Manager, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Deputy injury or death
- Sensitivity and diversity

Public Safety Video Surveillance System

333.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of public safety video surveillance systems, as well as the storage and release of the captured images.

This policy only applies to overt public safety video surveillance systems operated by the Office. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Office.

333.2 POLICY

The Kittitas County Sheriff's Office operates public safety video surveillance systems to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations at county facilities or in other public locations throughout the County to detect and deter crime, to help safeguard against potential threats to county employees and the public, to help manage emergency response during natural and man-made disasters, and to assist County officials in providing service to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing, respecting, and protecting constitutional standards of privacy.

333.3 OPERATIONAL GUIDELINES

Only office-approved video surveillance equipment shall be utilized. Members authorized to utilize video surveillance systems should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Sheriff or the authorized designee shall approve all proposed deployments of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

333.3.1 PLACEMENT AND MONITORING

Public safety video surveillance systems shall capture and record only video images and not sound. Such systems may be used for a variety of purposes, including:

- (a) To prevent, deter and identify criminal activity.
- (b) To target identified areas of criminal gang or narcotics complaints or activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending and prosecuting offenders.
- (e) To monitor pedestrian and vehicle traffic activity.

The Sheriff may authorize video feeds from public safety video surveillance systems to be forwarded to specified locations for monitoring by other than Deputy Sheriff's personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

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Unauthorized recording, viewing, reproduction, dissemination or retention of Public Safety Video Surveillance images or video is prohibited.

333.3.2 INTEGRATION WITH OTHER TECHNOLOGY

The Office may elect to integrate its public safety video surveillance system with other technologies to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, and other video-based analytical systems may be considered based upon availability and the nature of office strategy.

The Office should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera technologies, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

333.4 PROHIBITED USES

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in a biased or discriminatory manner and shall not target individuals or groups based solely on actual or perceived protected class characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, veteran status, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

333.5 STORAGE AND RETENTION OF MEDIA

All recorded video and images shall be stored in a secure manner with access restricted to authorized persons. Any recording identified as evidence shall be preserved in a manner consistent with established evidence procedures. All actions taken with respect to retention of media as evidence shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. Recordings should be stored and retained in accordance with the established records retention schedule.

Media shall be 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, digital masking of innocent or uninvolved individuals to preserve anonymity, 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.

333.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Kittitas County Sheriff's Office.

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Requests for recorded video images from the public or the media shall be processed in the same manner as requests for other Sheriff's Office public records.

Requests from other law enforcement agencies shall be referred to the Public Records Officer for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established agency subpoena process.

333.7 TRAINING

All office members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Child and Dependent Adult Safety

334.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this 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.

334.2 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 Kittitas County Sheriff's Office will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

334.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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334.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Deputies should consider allowing the person to use his/her 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 Patrol Sergeant of the disposition of children and dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

Deputies shall promptly notify Child Protective Services (CPS) whenever a child under 13 years of age is present in a vehicle and his/her parent, guardian or legal custodian is arrested for a drug or alcohol driving offense in accordance with the office Child Abuse Policy (RCW 26.44.250).

334.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any

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child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

334.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

334.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

334.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other 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 Deputy Sheriff's facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

334.5 TRAINING

The Training Manager 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.

ADA Compliance

335.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Kittitas County Sheriff's Office services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

335.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Kittitas County Sheriff's Office and to facilitate effective communication. 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; a qualified reader; or a qualified interpreter.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of office buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a office service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

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.

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335.2 POLICY

It is the policy of the Kittitas County Sheriff's Office that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Office.

The Office will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

335.3 ADA COORDINATOR RESPONSIBILITIES

The county ADA coordinator shall serve as the ADA coordinator for the Sheriff's Office (28 CFR 35.107).

Sheriff's Office members shall assist the county ADA coordinator fulfill responsibilities including but not limited to (28 CFR 35.130):

- (a) Maintaining office compliance with accessibility standards for office web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).
- (b) Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets describing office services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).
- (c) Collaborating with other county departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).

335.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor. The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to their Division Chief for prompt review and processing.

335.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

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- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
 - 1. A substantial alteration of the service, program, or activity.
 - 2. An undue financial or administrative burden on the Office. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
 - 3. A threat to or the destruction of the historic significance of a historic property.
 - 4. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, office members should work with the person requesting the modification to determine if an alternative modification is available.
- (c) Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, office members should work to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
 - 1. Reassigning services, programs, or activities to accessible buildings or facilities.
 - 2. Utilizing technology, equipment, rolling stock, or other conveyances.
 - 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
 - 4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall be consulted to help prepare a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

335.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should seek to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

335.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

335.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. If feasible, the individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

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Factors to consider when determining whether an alternative method may be 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 modification reasonably appears effective under the circumstances. This may include 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. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

335.5.1 TYPES OF ASSISTANCE AVAILABLE

Office members shall not refuse an available assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Office will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to office services, programs, and activities. The Office will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Office will not require that persons with disabilities use office-provided assistive devices, auxiliary aids, and services. Office-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

335.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Office may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

335.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

- (a) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.
- (b) Familiar with the use of text- and video-based communications products and systems.
- (c) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).

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- (d) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (e) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use office-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

335.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone, members must provide those with communication-related disabilities the opportunity to place calls using an available voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Office will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

335.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, office-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, office members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

335.5.6 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 interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

335.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Office recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this office. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to determine

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if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

335.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this office will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

335.7 ARREST

If an individual with a communication-related disability is arrested, the arresting deputy shall use office-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the deputy reasonably determines another effective method of communication exists under the circumstances. The interpreter shall be present for any *Miranda* warnings, statements, or interrogations (RCW 2.42.120).

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.

335.8 WEBSITE ACCESS

Office members should work with the appropriate county departments and parties to develop online content that is readily accessible to persons with disabilities. Office web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Office website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

335.9 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

- (a) The type of modification, assistive device, auxiliary aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Office or another identified source, as applicable.
- (c) Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

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All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

335.10 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the office's programs, services, or activities should document the complaint and provide it to a supervisor for routing to the ADA coordinator (28 CFR 35.107). The Office shall assist persons with disabilities who require assistance and wish to file a complaint regarding members of this office. The Office may provide a qualified interpreter or forms in enlarged print, as appropriate.

335.11 TRAINING

Members should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy, related procedures, forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Training Manager should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

Service Animals

336.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

336.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is 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 individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

All references to "service animals" in this policy also mean a dog or miniature horse undergoing training to become a service animal (RCW 49.60.040).

336.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to provide access to services, programs, and activities of the Office to persons with service animals. Office members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

336.3 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally 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 member should ask the individual only the following questions (28 CFR 35.136(f)):

- 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 individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

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336.4 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Office members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

336.5 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an office supervisor may direct the handler 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 service animal (28 CFR 35.136 (b); 28 CFR 35.139).

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 access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

336.6 COMPLAINTS

When handling calls of a complaint regarding a service animal, members 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 handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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 (DOJ).

Volunteer Program

337.1 PURPOSE AND SCOPE

It is the policy of this office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Office 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 office responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Office and prompt new enthusiasm.

337.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Kittitas County Sheriff's Office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and citizen patrol.

337.2 VOLUNTEER MANAGEMENT

337.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Sheriff. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the agency, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.
- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

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337.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with office 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 Office 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.

337.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and applicants shall be processed for criminal history.
- (b) Employment.
- (c) References.
- (d) Credit check.

A polygraph exam may be required of each applicant depending on the type of assignment.

337.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Office 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 Office, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Office. 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 Office.

337.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Office, personnel, policies and procedures that have a direct impact on their work assignment.

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Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members of the Office. 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 Office.

337.2.6 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 office regarding drug and alcohol use.

337.2.7 DRESS CODE

As representatives of the Office, 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 office-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 office 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 office property at the termination of service.

337.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Office 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.

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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.

337.4 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 office 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 office policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Office. 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 Office, or maintain that they represent the Office in such matters without permission from the proper office personnel.

337.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty.

Any fixed and portable equipment issued by the Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Office and shall be returned at the termination of service.

337.5.1 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 agency 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.

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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 county vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all county vehicles.

337.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete communicating training prior to using the radio. They will not be issued MDC's for use.

337.6 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 Office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

337.6.1 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 Office.

337.7 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

338.1 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 Kittitas County Sheriff's Office with respect to taking law enforcement action while off-duty.

338.2 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 office 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.

338.3 FIREARMS

Deputies of this office may carry firearms while off-duty in accordance with federal regulations and office policy. All firearms and ammunition must meet guidelines as described in the office Firearms Policy. When carrying firearms while off-duty deputies shall also carry their office-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.

338.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

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- (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.

338.4.1 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 Kittitas County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

338.4.2 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.

338.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

338.4.4 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.

338.5 REPORTING

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Patrol Sergeant as soon as practicable. The Patrol Sergeant 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.

Office Use of Social Media

339.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Office is consistent with the office mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by office 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 office (see the Investigation and Prosecution Policy).

339.1.1 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 office website or social networking services.

339.2 POLICY

The Kittitas County Sheriff's Office may use social media as a method of effectively informing the public about matters impacting public safety as well as office services, issues, investigations and other relevant events.

Office members shall ensure that social media is utilized in a manner that protects the constitutional rights of all.

339.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Office. Authorized members shall use only office-approved equipment during the normal course of duties to post and monitor office-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.

Members who are not authorized to post may make requests or suggestions for posts through the member's chain of command.

339.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, supports the office mission, and conforms to office policies regarding the release of information may be posted.

Examples of appropriate content include:

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- (a) Announcements.
- (b) 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 office mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

339.4.1 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.

339.5 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 Kittitas County Sheriff's Office or its members.
- (e) Any information that could compromise the safety and security of office operations, members of the Office, 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 office'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.

339.6 MONITORING CONTENT

The Sheriff will appoint a supervisor to review, at least annually, the use of office social media and report back on, at a minimum, the resources being used, the effectiveness of the content,

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any unauthorized or inappropriate content, and the resolution of any issues. The same supervisor should review the office social media on a quarterly basis for any posted prohibited content and remove the same upon discovery.

339.7 RETENTION OF RECORDS

The Public Information Officer should work with the Public Records Officer 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.

339.8 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 office sites.

Native American Graves Protection and Repatriation

340.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

340.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a deceased Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

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Native American Graves Protection and Repatriation

340.2 POLICY

It is the policy of the Kittitas County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

340.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Coroner (RCW 68.50.645)
- Tribal land - Responsible Indian tribal official

340.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

Extreme Risk Protection Orders

341.1 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.

341.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protection order – An order prohibiting a named person from having custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive 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.

341.2 POLICY

It is the policy of the Kittitas 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.

341.3 EXTREME RISK PROTECTION ORDERS

A deputy who reasonably believes a person, including a minor (person under the age of 18), is a significant danger to themselves or another person by having in their custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive a firearm may request permission from the deputy's supervisor to petition the court for an extreme risk protection order (RCW 7.105.100).

341.3.1 NOTICE TO PERSONS AT RISK

When a member petitions for an extreme risk protection order, the member shall make a good-faith effort to provide notice to an intimate partner or family or household member of the person and to any known 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 behavioral health, domestic violence, and counseling (RCW 7.105.110).

341.3.2 REQUIREMENTS OF PETITION

An application for an extreme risk protection order should be prepared, filed, and served consistent with state law in coordination with a supervisor (RCW 7.105.100; RCW 7.105.105; RCW 7.105.110).

Deputies petitioning the court shall use any standard petition, order, and confidential party information forms created by the administrative office of the courts (RCW 7.105.105).

The petition shall (RCW 7.105.100; RCW 7.105.105; RCW 7.105.110):

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- (a) Allege that the person poses a significant danger of causing personal injury to the person or others by having in the person's control or custody, purchasing, possessing, accessing, receiving, or attempting to purchase or receive a firearm and be accompanied by the confidential party form and declaration signed under penalty of perjury that provides the specific statements and circumstances for which relief is sought.
- (b) Identify the number, types, and locations of any firearms that the deputy believes to be owned, possessed, accessed, controlled, or in the custody of the person.
- (c) Identify any other known existing protection orders governing the person.
- (d) Identify, if feasible, any pending lawsuits, complaints, petitions, or other action between the person and the Kittitas 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 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 the person or others in the near future by having in the person's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive a firearm. If necessary, the ex parte order may be obtained from an on-call, after-hours judge using the same procedures for after-hours search warrants (RCW 7.105.110).

341.4 SERVICE OF ORDERS

Service of orders should be made in accordance with the agency protocols.

Personal service of orders shall include copies of all forms with the exception of the confidential party information form completed by the protected party and the proof of service form (RCW 7.105.155).

Service of orders should take precedence over the service of other orders, except for orders of a similar emergency nature (RCW 7.105.155).

341.4.1 PERSONAL SERVICE REQUIREMENTS

When personally serving an order, including an ex parte order, the first attempt to serve an extreme risk protection order should be made within 24 hours after receipt from the court unless an emergency situation renders the service infeasible. If an emergency situation prevents a first attempt at service within 24 hours, service shall be attempted as soon as possible. If the first attempt is unsuccessful, at least two additional attempts should be made. If the order is issued against a minor under the age of 18, deputies shall also make reasonable efforts to serve a copy of the order on the parent or guardian of the minor at the address where the minor resides, or the Department of Children, Youth, and Families in the case where the minor is the subject of a dependency or court approved out-of-home placement. A minor shall not be served at the minor's school unless no other address for service is known. All attempts at service must be documented

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on a proof of service form and submitted to the court in a timely matter (RCW 7.105.150; RCW 7.105.155; RCW 7.105.330(5)).

If personal service is not completed within 10 days, the deputy should notify the petitioner, attempt to gain new information sufficient to permit service, and continue to attempt service unless otherwise notified by the court. If the petitioner is unable to provide a service address or there is evidence that the person is evading service, the deputy shall use law enforcement databases to assist in locating the person. If service is not successful, all service attempts shall be documented on the proper form and submitted to the Administrative Chief Deputy for filing with the court (RCW 7.105.155).

If the protected person is present when service is attempted, the deputy should take reasonable steps to separate the protected person before completing service or inquiring about any firearms (RCW 7.105.155).

341.4.2 SAFETY CONSIDERATIONS

Upon receipt of extreme risk protection order, the operations chief deputy or authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order.

When appropriate based on the circumstances and office procedures, service of an order should be executed pursuant to the Operations Planning and Deconfliction Policy.

At least two deputies should be present when an order is being served.

341.4.3 SURRENDER OF PROHIBITED ITEMS

The deputy serving any extreme risk protection order, including an ex parte order, shall (RCW 7.105.340):

- (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 Administrative Chief Deputy.
- (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 the deputy's shift, submit the proof of service to the Administrative Chief Deputy.

All firearms collected shall be handled and booked in accordance with the Property and Evidence Policy.

341.5 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.

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341.6 ADMINISTRATIVE CHIEF DEPUTY RESPONSIBILITIES

The Administrative Chief Deputy is responsible for ensuring that:

- (a) Orders received from 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 7.105.350).
- (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 7.105.340).
- (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 7.105.350).
- (e) Orders that could not be personally served should be returned to the issuing court on the next judicial day following the last service attempt (RCW 7.105.155).
 - 1. The return should be made on the appropriate form and include the reason that service was unsuccessful.

341.7 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 7.105.340).
 - 1. The original receipt is to be forwarded to the Administrative Chief Deputy.
- (e) Package and submit the firearms in accordance with the Property and Evidence Policy.

341.8 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 7.105.345).

341.9 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Major Crimes Unit 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 7.105.410).

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341.10 STANDARD FOR ARREST

When a deputy has confirmed that a valid extreme risk protection order exists and has probable cause to believe the person has knowledge of the order and violated that order, the deputy shall make an arrest and take the person into custody (RCW 10.31.100).

341.11 ORDERS TO SHOW CAUSE

When the Office receives notice from the court of an order to show cause, the Major Crimes Unit supervisor should consult with legal counsel, as appropriate, to address any requirements involving the Office, including the following (RCW 7.105.340):

- (a) Fulfilling any additional service requirements for the order to show cause
- (b) Providing the court a complete list of firearms surrendered by the person pursuant to the extreme risk protection order that are in the possession of the Office
- (c) Providing the court with verification that any concealed pistol license was surrendered by the person pursuant to the extreme risk protection order and that the agency with authority to revoke the license has been notified
- (d) Filing an affidavit with the court where there is reasonable suspicion that the person who is subject to the extreme risk protection order is not in full compliance with the terms, including the basis for the belief

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 Office to ensure intra-office cooperation and information sharing.

400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Kittitas, 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 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 Kittitas 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 command staff and the Major crimes unit Supervisor in a timely fashion.

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400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-office cooperation and information flow between the various divisions of the Kittitas County Sheriff's Office.

400.2.1 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 Records Division for retention.

400.2.2 PATROL BRIEFING

Patrol supervisors, detective supervisor, 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 patrol [Briefing]s as time permits.

400.2.3 BULLETIN BOARDS

A bulletin board will be kept in the squad room and the for display of suspect information, intelligence reports and photographs. New General Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings.

400.3 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Kittitas County Sheriff's Office 's commitment to policing that is fair and objective. Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships) (RCW 43.101.410).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Kittitas County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 OTHER PROHIBITIONS

The Kittitas County Sheriff's Office also condemns the illegal use of an individual or group's attire, appearance, or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.419).

Additionally, members shall not collect information from a person based on religious belief, practice, or affiliation unless permitted under state law. Members shall not (RCW 42.60.020; RCW 42.60.030):

- (a) Provide or disclose to federal government authorities personally identifiable information about a person's religious belief, practice, or affiliation unless the member is being questioned as a witness to a crime.

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- (b) Assist federal government authorities in compiling personal information about a person's religious belief, practice, or affiliation.
- (c) Investigate or enforce any requirement that a person register with the federal government or a federal agency based on religion.

401.4 MEMBER RESPONSIBILITIES

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and their supervisor in a timely manner.
 - 1. Supervisors should document these discussions in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, Mobile Digital Computer (MDC) data, and any other available resource used to document contact between deputies and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

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401.6 STATE REPORTING

Subject to any fiscal constraints, the Inspector should review available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints. The data should be analyzed for any patterns or other possible indicators of racial- or bias-based profiling and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (RCW 43.101.410(3)).

401.7 ADMINISTRATION

The Inspector shall review the efforts of the Office to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Sheriff. The annual report should not contain any identifying information about any specific complaint, citizen, or deputies. It shall be reviewed and approved by the Sheriff to identify any changes in training or operations that should be made to improve service.

Deputies and supervisors should be informed of the analysis and results of the annual report submitted to the WASPC.

401.8 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually as directed by the Training Manager (RCW 43.101.410).

Crime and Disaster Scene Integrity

402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

402.2 POLICY

It is the policy of the Kittitas 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.

402.3 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.

402.4 REPORT OF ACTIVITY REQUIRED

- (a) Each member will report to the crime scene log deputy and log 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

402.5 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.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.

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- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

402.6 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.

402.6.1 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.

402.7 MAJOR CRIMES CHIEF DEPUTY RESPONSIBILITIES

The Major Crimes Chief Deputy is responsible for ensuring procedures are established that are consistent with the Washington State Patrol Crime Laboratory Division Crime Scene Procedures Manual, including, but not limited to:

- (a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.
- (b) Establishing procedures for collecting, processing and preserving physical evidence in the field.
- (c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.
- (d) Establishing procedures for processing, developing, lifting and labeling fingerprints.
- (e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

402.8 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)).

Special Response Team

403.1 PURPOSE AND SCOPE

The purpose of the Special Response Team is to provide a group of deputies who are trained and skilled in the use of specialized equipment and tactics for the resolution of critical incidents and tactical missions. Each team maintains standard operating procedures (SOPs) regarding membership, selection criteria, training, equipment, and command and control. The tactical response teams consist of the Special Response team (SRT) Sniper team and Crisis Negotiation Team (CNT).

403.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The sections of this policy are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational sections serve as a guideline to office personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

403.2 LEVELS OF CAPABILITY/TRAINING

The mission of the Special Response Team (SRT) is to provide the Kittitas County Sheriff's Office, or any other law enforcement agency whose request is approved by the Sheriff or designee, with a tactical response.

403.2.1 LEVEL I

A level I SRT 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.

403.2.2 LEVEL II

A level II, Intermediate level SRT 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.

403.2.3 AUTHORITY TO ENGAGE SRT

The authority for SRT to engage in a tactical situation will be given only by the on duty unit commander of the rank of Sergeant or by authorized command staff. The deputy authorizing the deployment of SRT will notify the appropriate command staff and the Sheriff or designee. Once authorization to engage has been granted, the SRT commander will assume control of the tactical response under the direction of the incident commander.

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403.2.4 REQUESTS FROM OUTSIDE AGENCIES

The Kittitas County Sheriff's SRT is available, with the approval of the Sheriff or his/her designee, to any requesting law enforcement agency. SRT will function only as a team during these activations and will operate solely under Kittitas County Sheriff's Office command.

403.2.5 REQUESTS WITHIN THE SHERIFF'S OFFICE

Any division or unit within the Kittitas County Sheriff's Office may request the assistance of SRT in planning or conducting tactical missions. The request should be made through the appropriate command staff.

403.2.6 SPECIALIZED EQUIPMENT

Kittitas County Sheriff's Office SRT members are trained in the use of specialized equipment, which includes firearms other than the standard issue handgun weapon system.

403.2.7 TACTICAL MISSIONS

SRT adheres to the Incident Command System regarding the management and mitigation of critical incidents or other tactical missions.

403.3 POLICY

It shall be the policy of this office to maintain a SRT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SRT 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.

403.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SRT missions and operations appropriate to this office. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the Operations Commander or his/her designee.

403.3.2 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.

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- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

403.3.3 OPERATIONAL PROCEDURES

This agency shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to SRT members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SRT operations (time permitting).
 - 1. All SRT members should have an understanding of operational planning.
 - 2. SRT training should consider planning for both spontaneous and planned events.
 - 3. SRT should incorporate medical emergency contingency planning as part of the SRT operational plan.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
 - 1. When possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SRT.
- (e) The appropriate role for a trained negotiator.
- (f) A standard method of determining whether or not a warrant should be regarded as high-risk.

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- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post incident scene management including:
 - 1. Documentation of the incident.
 - 2. Transition to investigations and/or other units.
 - 3. Debriefing after every deployment of SRT.
 - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
 - (b) Such debriefing should not be conducted until involved deputies have had the opportunity to individually complete necessary reports or provide formal statements.
 - (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
 - (d) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis.
- (j) Standardization of equipment deployed.

403.4 TRAINING NEEDS ASSESSMENT

The SRT Commander shall conduct an annual SRT Training needs assessment to ensure that training is conducted within team capabilities and agency policy.

403.4.1 INITIAL TRAINING

SRT operators and SRT supervisors/team leaders should not be deployed until successful completion of a Criminal Justice Training Commission (CJTC) approved Basic SWAT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed Sheriff's Office requirements or standardized training recommendations.

403.4.2 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SRT function at the organizational level to ensure personnel who provide active oversight at the scene of SRT operations understand the purpose and capabilities of the teams.

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Command personnel who may assume incident command responsibilities should attend Criminal Justice Training Commission (CJTC) approved SRT or Critical Incident Commander course or its equivalent. SRT command personnel should attend a SWAT commander or tactical commander course, or its equivalent.

403.4.3 SRT ONGOING TRAINING

Training shall be coordinated by the Operations Commander. The Operations 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 SRT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SRT 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 SRT team member shall perform the mandatory SRT handgun qualification course. The qualification course shall consist of the SRT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the Operations Commander. Team members who fail to qualify will not be used in SRT 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 SRT team member shall complete the quarterly SRT qualification course for any specialty weapon issued to, or used by, the team member during SRT operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the Operations Commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SRT 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.

403.4.4 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

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403.4.5 SCENARIO BASED TRAINING

SRT should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

403.4.6 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Services. Such documentation shall be maintained in each member's individual training file. A separate agency SRT training file shall be maintained with documentation and records of all team training.

403.5 UNIFORMS, EQUIPMENT, AND FIREARMS

403.5.1 UNIFORMS

SRT members from this agency should wear uniforms that clearly identify team members as law enforcement. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

403.5.2 EQUIPMENT

SRT members from this agency should be adequately equipped to meet the specific mission(s) identified by this agency.

403.5.3 FIREARMS

Weapons and equipment used by SRT, and the supporting resources should be agency-issued or agency approved, including any modifications, additions, or attachments.

403.5.4 OPERATIONAL READINESS INSPECTIONS

The Operations Commander shall perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the Undersheriff in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the SRT facility and equipment maintained or used in SRT vehicles.

403.6 MANAGEMENT/SUPERVISION OF SPECIAL RESPONSE TEAM

The Commander of SRT shall be selected by the Sheriff upon recommendation of staff.

403.6.1 TEAM SUPERVISORS

The Special Response Team will be supervised by the team leader.

Selected by the Sheriff upon specific recommendation by the Operations Commander and the SRT Commander. Each team will report to the Team Leader.

The following represent the supervisor responsibilities for the SRT Unit.

- (a) The SRT Leaders primary responsibility is to supervise the operations of an entry team, Crisis negotiations team and precision rifle team, which will include deployment, training, first line participation, and other duties as directed by the SRT Commander.

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403.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

403.7.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate supervisor. A copy will be forwarded to the Operations and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the Operations Commander, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

403.7.2 TRAINING OF NEGOTIATORS

Those deputies selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Criminal Justice Training Commission (CJTC) prior to primary use in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

403.8 SRT TEAM ADMINISTRATIVE PROCEDURES

The Special Response Team (SRT) is established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects

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have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

403.8.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a change of assignment request to their appropriate Command Staff, a copy of which will be forwarded to the SRT Commander and other SRT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SRT Commander. The testing process will consist of an oral board, physical agility, SRT basic handgun, and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the SRT Commander. Applicants will be evaluated by the following criteria:
 - 1. Recognized competence and ability as evidenced by performance.
 - 2. Demonstrated good judgment and understanding of critical role of SRT member.
 - 3. Special skills, training, or appropriate education as it pertains to this assignment.
 - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SRT-related duties. The test and scoring procedure will be established by the SRT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) SRT basic handgun: Candidates will be invited to shoot the SRT Basic Drill for the handgun. A minimum qualifying score of 400 out of a possible score of 500 must be attained to qualify.
- (d) Team evaluation: Current team members will evaluate each candidate on his/her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.
- (e) A list of successful applicants shall be submitted to staff, by the SRT Commander, for final selection.

403.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SRT Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SRT Team members. Any member of the SRT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

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403.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Special Response Team. Generally, the Special Response Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the SRT Commander.

403.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the SRT Team is to respond to the scene. Upon final determination by the Shift Supervisor, he/she will notify the SRT Commander.

403.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

403.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Shift Supervisor. Deployment of the Kittitas County Sheriff's Office Crisis Response Unit in response to requests by other agencies must be authorized by command staff.

403.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

SRT, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the Kittitas County Sheriff's Office SRT shall operate under the policies, procedures and command of the Kittitas County Sheriff's Office when working in a multi-agency situation.

403.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The on-scene supervisor shall make a request to command staff for the SRT. The Shift Supervisor shall then notify the Operations Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Shift Supervisor's office by the SRT Commander.

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The Shift Supervisor should advise the SRT Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of deputies involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The SRT Commander or supervisor shall then call selected deputies to respond.

403.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for SRT, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
 - 1. Securing any subject or suspect who may surrender.
 - 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communication with the suspect. Once SRT has arrived, all negotiations should generally be halted to allow the negotiators and SRT time to set up.
- (f) Be prepared to brief the SRT Chief Deputy on the situation.
- (g) Plan for, and stage, anticipated resources.

403.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Special Response team at the scene, the Incident Commander shall brief the SRT Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SRT Commander, whether to deploy the Special Response Team. Once the Incident Commander authorizes deployment, the SRT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for

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Special Response Team

SRT. The Incident Commander and the SRT Commander (or his/her designee) shall maintain communications at all times.

403.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-SRT personnel should refrain from any non-emergency contact or interference with any member of the Team and during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with the SRT personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Supervisor or his/her designee.

Ride-Along Policy

404.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function and observe operations of the Sheriff's Office first-hand. This policy provides the requirements and approval process for the Ride-Along Program.

404.1.1 ELIGIBILITY

The Kittitas County Sheriff's Office Ride-Along Program is offered for the purposes of citizen education, employee recruitment, and public transparency. Every attempt will be made to accommodate interested persons; however, any applicant may be disqualified from participation by the Sheriff or designee without cause.

Factors that may be considered in disqualifying an applicant include but are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against Kittitas County.
- Consideration of the needs of the operations of the Sheriff's Office or the workload or needs of deputies.

404.2 PROCEDURE TO REQUEST A RIDE-ALONG

Requests for ride-alongs should be submitted to the Patrol Sergeant or shift supervisor. The applicant will complete a current, approved ride-along waiver form and provide a valid ID or Washington driver's license, address, and telephone number.

Upon approval, the Shift Supervisor will schedule a date, based on availability.

If the ride-along request is denied, a Sheriff's Office representative will contact the applicant and advise him/her of the denial.

404.2.1 PROGRAM REQUIREMENTS

Generally, civilian ride-alongs will be allowed no more than once every six months, in accordance with the stated purposes of the program. Exceptions may include Reserve Cadets, Citizen Patrol Volunteers, Chaplains, applicants or potential applicants to the Sheriff's Office, and others with approval of the Sheriff.

Shift supervisors should ensure that no more than one citizen ride-along occurs at any one time.

Normally, no more than one ride-along will be allowed in a deputy's vehicle at a given time.

404.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed for potential contact with the public in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts

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Ride-Along Policy

and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the Deputy Sheriff's vehicle. The Patrol Sergeant or field supervisor may refuse a ride-along to anyone not properly dressed.

404.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this office or any other law enforcement agency are not permitted to ride-along with on-duty deputies without the express consent of the Patrol Sergeant. If such a ride-along is permitted, the off-duty deputy or officer shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

404.3 DEPUTY'S RESPONSIBILITY

The deputy shall advise the dispatcher that a ride-along is present in the vehicle at the beginning of the ride-along. 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, away from any perceived danger. The dispatcher will be advised of the situation and as soon as practical have another Deputy Sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Patrol Sergeant is responsible for scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Patrol Sergeant with any comments which may be offered by the deputy.

404.4 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 Deputy 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.

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Ride-Along Policy

404.4.1 MEDIA

Requests for media ride-alongs will be screened and authorized by the Sheriff. 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 Sheriff's Office members who are designated as being "undercover".
- If undercover members are unavoidably recorded, the media shall agree to obscure or otherwise conceal the identity, face, and/or other distinguishing characteristics.
- Media members shall agree not to broadcast or otherwise publicize images, names, or other identifying information on victims of crimes, witnesses or crimes, or suspects without the written consent of those individuals. (Victim and witness identification is protected under RCW 42.56.240.)
- Media members shall agree that certain conversations or information such as witness or informant names, or plans for future sensitive activities, if overheard, will not be recorded or revealed.
- The media shall refrain from filming, broadcasting or otherwise recording ongoing tactical operations that could jeopardize the public or deputies.

Hazardous Material Response

405.1 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.

405.1.1 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.

405.2 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 Washington State Patrol is the primary responding agency for hazmat incidents, supported by the fire department.

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.

405.3 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 Patrol Sergeant 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.

405.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

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Hazardous Material Response

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.

405.4 POLICY

It is the policy of the Kittitas 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.

405.5 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 Kittcom, 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.
- (j) Activate automated community notification systems, if applicable.

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Hazardous Material Response

- (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 Kittitas Local Emergency Planning Committee (LEPC) procedures.

Hostage and Barricade Incidents

406.1 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.

406.1.1 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.

406.2 POLICY

It is the policy of the Kittitas 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.

406.3 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.

406.3.1 EMERGENCY COMMUNICATIONS

A supervisor may order the telephone company to cut, reroute or divert telephone lines in order to prevent a suspect from communicating with anyone other than designated personnel in a barricade or hostage situation (RCW 70.85.100).

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Hostage and Barricade Incidents

406.4 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.

406.4.1 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

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

406.4.2 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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- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 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 Kittcom.
- (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.

406.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the Crisis Response Unit Commander, whether to deploy the Crisis Response Unit during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the Crisis Response Unit Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the Crisis Response Unit. The Incident

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Commander and the Crisis Response Unit Commander or the authorized designee shall maintain communications at all times.

406.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Kittitas 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.

407.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.2.1 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.

407.3 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 Patrol Sergeant is immediately advised and informed of the details. This will enable the Patrol Sergeant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

407.4 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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Response to Bomb Calls

407.4.1 KITTITAS COUNTY SHERIFF'S OFFICE FACILITY

If the bomb threat is against the Kittitas County Sheriff's Office facility, the supervisor will direct and assign deputies as required for coordinating a general building search or evacuation of the Deputy Sheriff's office, as he/she deems appropriate.

407.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Kittitas 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 Patrol Sergeant deems appropriate.

407.4.3 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.

407.5 PRIVATE FACILITY OR PROPERTY

When a member of this office receives notification of a bomb threat at a location in the County of Kittitas, 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 Deputy 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 Patrol Sergeant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

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Response to Bomb Calls

407.5.1 ASSISTANCE

The Patrol Sergeant should be notified when Deputy Sheriff's assistance is requested. The Patrol Sergeant 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 Deputy Sheriff's control over the facility.

Should the Patrol Sergeant 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) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request Deputy 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.

407.6 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.

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- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Patrol Sergeant 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.

407.7 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.

407.7.1 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.

Emergency Detentions

408.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place an individual under an emergency detention.

408.2 POLICY

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

408.3 DEFINITIONS

"Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder:

- (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or
- (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

"Imminent" means likely to occur at any moment or near at hand, rather than distant or remote (RCW 71.05.020).

408.4 EMERGENCY DETENTION

A deputy may take a person into emergency detention when her or she has reasonable cause to believe a person is suffering from a behavioral health disorder and:

- (a) The person presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled; or
- (b) The deputy has received an order authorizing emergency detention from a court or a designated crisis responder based on these same conditions (RCW 71.05.153).

Deputies should not use significant force to take an adult into emergency detention solely because they pose a knowing and intentional danger to themselves.

A deputy who takes a person into emergency detention should document the circumstances that lead them to believe the subject meets the requirements of such a detention.

Persons taken into emergency detention should be transported to an appropriate facility as soon as practicable.

408.4.1 VOLUNTARY EVALUATION

When a deputy encounters an individual who may qualify for emergency detention, he or she may inquire whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputy should:

- (a) Transport the person to an appropriate facility for the conduct of such an evaluation; and

Emergency Detentions

- (b) Document the circumstances surrounding the person's desire to pursue voluntary evaluation and/or admission.

If at any point the individual changes his or her mind regarding the voluntary evaluation, the deputy should evaluate whether the person meets the criteria for an emergency detention and whether an involuntary detention for evaluation is necessary.

408.5 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for emergency 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 behavioral health issues.

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

408.6 TRANSPORTATION

Transport for any individual under an emergency detention shall be conducted in accordance with the Transporting Persons in Custody Policy.

Deputies may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy.

408.7 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 reasons for the emergency 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.

408.8 DOCUMENTATION

The deputy shall complete a report indicating the reasons for an emergency detention.

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

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408.9 CRIMINAL OFFENSES

When a deputy has probable cause to arrest an individual for minor crimes arising wholly or in part from known behavioral health disorders, the deputy should consider placing that individual in emergency detention and addressing the criminal matter through citation, administrative booking, or referral (RCW 10.31.110).

When an individual who may qualify for emergency detention has committed a criminal offense that would normally result in 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 emergency 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 emergency detention.

If appropriate, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The deputy and his or her 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.

408.10 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into emergency custody, 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.

408.11 TRAINING

This office will endeavor to provide office-approved training on interaction with persons with behavioral health disorders, emergency detentions and crisis intervention.

Animal Control

409.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Kittitas 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.

409.2 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.

Deputies should exercise caution if they determine it is necessary to capture or hold any animal. If deputies believe the capture or custody of any animal poses significant risk, they should contain the situation and request the assistance of animal control services.

409.3 ANIMAL BITE REPORTS

Deputies will respond to animal bite reports. Bite calls will be handled within the guidelines set forth in RCW(16.08)

409.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Deputies may respond to a small animal incident complaints and conduct an investigation. The deputy may attempt to resolve the problem within his/her capabilities or suggest an alternative solutions within the guidelines of RCW (16.08). If the incident appears likely to produce further complaints or calls for service, or if documentation is otherwise necessary or appropriate, the deputy will write a complete report.

409.4.1 LARGE ANIMAL IMPOUNDS

Patrol deputies may be dispatched to complaints of animals (e.g., cattle, horses, mules, donkeys, sheep, goats, swine) at large. 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, as designated by Kittitas County ordinance.

Deputies will use reasonable efforts in locating the legal owner, or person responsible for the animal. When reasonable efforts have been exhausted, under certain circumstances animals may be retained by the complaining party; see RCW 16.04.010 through 16.04.040. The deputy will document the location and disposition of large animals if the animal's owner is not found.

409.5 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) Injured wildlife should be referred to the Department of Fish and Wildlife when possible.

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- (b) When it is necessary, reasonable, and compassionate to kill a seriously injured or dangerous animal, the destruction of the animal shall be undertaken with reasonable prudence. The decision to dispose of a seriously injured animal will rest with the deputy. A deputy who destroys an animal in these circumstances shall notify their supervisor either in person or by email prior to the end of shift.

Citation Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Kittitas County Sheriff's Office with guidance on when to release adults who are suspected offenders on a citation and notice to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

410.2 POLICY

The Kittitas County Sheriff's Office will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation and notice to appear in court, when authorized to do so.

410.3 RELEASE

A suspected offender may be released on issuance of a citation and notice to appear in court by a deputy whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor (Criminal Rules, CrRLJ 2.1(b)(1)).

410.4 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.

410.4.1 PRE-CHARGING DIVERSION PROGRAM

The Kittitas County Sheriff's Office follows the pre-charging diversion guidelines as set forth by the Kittitas County Prosecuting Attorney's Office. See attached documents on Camas.

Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Kittitas County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The Kittitas County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

411.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety, or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests, and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers

411.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

411.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

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Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts. Yes otherwise (note a).	No immunity or inviolability (note a)
Career Consul Officer	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
Honorable Consul Officer	Yes	Yes	Yes	No for official acts. Yes otherwise.	No for official acts. Yes otherwise.	No immunity or inviolability
Consulate Employees	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)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts. Yes otherwise (note c).	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	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

412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies in situations that call for rapid response and deployment.

412.1.1 DEFINITIONS

The following terms will be used when describing the scene:

- (a) **Inner building/Affected area** - the portion of the building or surrounding area where the suspect(s) have been seen or heard, or the area where hostage(s) are seen, heard or injured. These areas hold the greatest possibility of contact with the suspect(s).
- (b) **Suspect building/Non affected areas** - The building's entrance, exits, hallways, stairwells or any other areas where the suspect(s) is not seen or heard. This area, until it is secure, still holds the possibility that the deputies may come into contact with the suspect(s) or hostage(s).
- (c) **Inner perimeter** - The inner perimeter is an area where the deputies are likely to have contact with the suspect(s). The contact may be verbal, physical, or just visual. This area will include the immediate parking area, people in vehicles, out buildings, doors or windows where people are exiting from the danger area.
- (d) **Safety Corridor** - The safety corridor (evacuation route) is a route developed by law enforcement personnel. The safety corridor will flow from the initial entry team back to the entry point and will expand with the arrival of additional personnel. This route will be used by emergency personnel to evacuate victims from the building and direct them to the evacuation area.
- (e) **Outer perimeter** - The outer perimeter will be determined by the type of weapon the suspect is using and the surrounding landscape. The outer perimeter is set up to contain a media staging area, command post, fire, ambulance, parents or relatives of hostages/victims, and the evacuation area.

412.2 POLICY

The Kittitas 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.

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Rapid Response and Deployment

412.2.1 PATROL PRIORITIES

Following are the priorities for Deputies when responding to in progress shootings. These priorities are set in order of precedent:

- (a) Eliminate the suspect's ability to move within the building and cause further injury to persons.
- (b) Rescue of the victims.
- (c) Apprehension of the suspect(s).

412.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction 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.
- (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.

Rapid Response and Deployment

In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

412.4 CONTAINMENT OF THE VICTIMS

Containment deputies must remember there will be fleeing victims. These people need to be controlled and directed out of the danger zones (unsecured shooting areas). Remember the suspect(s) may attempt to leave the area (danger zone) by posing as a victim. Deputies will use verbal commands to control the victims. Victims need to keep moving to a secure area outside the danger zone. When the victims are outside the zone they must be controlled and contained, until they have been interviewed by investigators or deputies.

412.5 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

412.6 PLANNING

The On scene command staff should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

Rapid Response and Deployment

412.7 TRAINING

The Active Shooter training team 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, LL 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).

412.8 SCHOOL NOTIFICATION

The Operations Chief Deputy should establish protocols for public and private school notification in the event an incident reasonably appears to require a lockdown or evacuation. Protocols should include notification to all known schools in the vicinity of the incident that may be similarly threatened (RCW 28A.320.125).

Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Kittitas County Sheriff's Office relating to immigration laws and interacting with federal immigration officials (RCW 43.10.315).

413.2 POLICY

It is the policy of the Kittitas 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 office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Washington constitutions.

413.4 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this office should be directed to a supervisor. The Office may provide available support services, such as traffic control or peacekeeping efforts.

413.5 INFORMATION SHARING

No member of this office 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; RCW 2.28.310):

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

413.6 U VISA AND T VISA NONIMMIGRANT 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)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

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Immigration Violations

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the supervisor assigned to oversee the handling of any related case. The 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 determine whether the certification or declaration has already been completed.
- (c) Direct the request for certification to the Inspector who shall complete the certification or declaration, if appropriate, in a timely manner (RCW 7.98.020).
 - (a) 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.

413.6.1 TIME FRAME FOR COMPLETION

The Inspector should ensure that the certification for the U visa or T visa is processed within 90 days of the request, unless the victim is in federal immigration removal proceedings, in which case the certification shall be executed within 14 days after the request is received. The certification may be withdrawn only if the victim unreasonably refuses to provide information and assistance related to the investigation or prosecution of the associated criminal activity when reasonably requested by the Office (RCW 7.98.020).

413.6.2 U VISA AND T VISA DOCUMENTATION AND REPORTING

The Inspector shall keep written documentation regarding the number of certification forms that are (RCW 7.98.020):

- (a) Requested by a victim.
- (b) Signed.
- (c) Denied.
- (d) Withdrawn.

The Inspector shall report the information collected regarding certification forms annually to the Office of Crime Victims Advocacy (RCW 7.98.020).

413.6.3 RELEASE OF INFORMATION

Personal identifying information or information regarding the citizenship or immigration status of any victim of criminal activity or trafficking who is requesting a certification shall not be disclosed except when allowed by law (RCW 7.98.020). See also the Records Maintenance and Release Policy.

413.7 TRAINING

The Training Manager should ensure that deputies receive training on this policy.

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Immigration Violations

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.
- (c) Statutory limitations on immigration enforcement.
- (d) U visa and T visa certification training.
- (e) Appropriate information sharing pursuant to 8 USC § 1373.

413.8 WASHINGTON STATE IMMIGRATION RESTRICTIONS

Members shall not (RCW 10.93.160):

- (a) Inquire into or collect information about an individual's immigration or citizenship status, or place of birth unless there is a connection between such information and an investigation into a violation of state or local criminal law.
- (b) Provide information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement, except as required by law.
- (c) Provide nonpublicly available personal information about an individual to federal immigration authorities in a noncriminal matter, except as required by state or federal law.
- (d) Give federal immigration authorities access to interview individuals about a noncriminal matter while they are in custody, except as required by state or federal law, a court order, or written consent of the individual.
- (e) Allow a federal immigration authority to conduct an interview regarding federal immigration violations with a person who is in custody if the person has not consented in writing to be interviewed. In order to obtain consent, the person shall be provided with an oral explanation and a written consent form that explains the purpose of the interview, that the interview is voluntary, and that the person may decline to be interviewed or may choose to be interviewed only with the person's attorney present.
- (f) Detain individuals solely for the purpose of determining their immigration status.
- (g) Take a person into custody or hold a person in custody:
 - 1. Solely for the purposes of determining immigration status
 - 2. Based solely on a civil immigration warrant issued by a federal immigration authority
 - 3. On an immigration hold request

413.8.1 SCHOOL RESOURCE OFFICERS

Members who are school resource officers shall not (RCW 10.93.160):

- (a) Inquire or collect information about an individual's immigration or citizenship status, or place of birth.

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- (b) Provide information pursuant to notification requests from federal immigration officials for the purposes of civil immigration enforcement, except as required by law.

Emergency Utility Service

414.1 PURPOSE AND SCOPE

The County Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Deputy Sheriff's Office. Requests for such service received by this office should be handled in the following manner.

414.1.1 ELECTRICAL LINES

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

414.1.2 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.

414.1.3 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Kittcom.

414.2 TRAFFIC SIGNAL MAINTENANCE

The County of Kittitas does furnish maintenance for some traffic signals within the County, Contact Public works.

414.2.1 DEPUTY'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal or sign, the deputy will advise the Kittcom of the location and problem. The dispatcher should make the necessary notification to the proper maintenance agency.

Aircraft Accidents

415.1 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.

415.1.1 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.

415.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

415.3 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).

415.4 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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Aircraft Accidents

415.5 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)

415.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene office supervisor should ensure the accident is still appropriately investigated and documented.

415.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.

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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

415.8 DOCUMENTATION

All aircraft accidents occurring within the County of Kittitas 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 KCSO 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.

415.8.1 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.

415.8.2 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.

415.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Aircraft Accidents

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

416.1 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 Kittitas County Sheriff's Office.

It is the policy of this office to assign all new 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.

416.2 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 deputies in the application of their previously acquired knowledge and skills.

416.2.1 SELECTION PROCESS

FTOs will be selected based on the following preferred qualifications:

- (a) Desire to be an FTO.
- (b) Minimum of four years of patrol experience, two of which should be with this office.
- (c) Demonstrated ability as a positive role model.
- (d) Evaluation by supervisors and current FTO's.
- (e) Holds a valid Peace Officer Certificate with CJTC.

416.2.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete a CJTC Certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

416.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Sheriff and Command Staff and shall possess a CJTC Supervisory Career Level Certification.

The responsibilities of the FTO Program Supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/Trainee performance evaluations and DOR's are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.

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- (f) Monitor overall FTO Program.
- (g) Maintain liaison with academy staff on recruit performance during the academy.
- (h) Develop ongoing training for FTOs.

416.3.1 CORRECTIONS FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Sheriff and Command Staff and shall possess a CJTC Career Level Certification.

The responsibilities of the FTO Program Supervisor include the following:

- Conduct FTO meetings.
- Maintain and ensure FTO/Trainee performance evaluations are completed.
- Maintain, update and issue the Field Training Manual to each trainee.
- Monitor individual FTO performance.
- Monitor overall FTO Program.
- Maintain liaison with FTO Coordinators of other corrections agencies.
- Maintain liaison with academy staff on recruit performance during the academy.
- Develop ongoing training for FTOs.

416.4 TRAINEE DEFINED

Any entry level or lateral Deputy Sheriff's deputy newly appointed to the Kittitas County Sheriff's Office who has successfully completed a CJTC approved Basic Academy.

416.4.1 CORRECTIONS DIVISION TRAINEE DEFINED

Any entry level or lateral Corrections deputy newly appointed to the Kittitas County Sheriff's Office who has successfully completed a CJTC approved Corrections Academy.

Any entry level or lateral Control Room Operator newly appointed to the Kittitas County Sheriff's Office.

416.5 REQUIRED TRAINING

Entry level and Lateral deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 14 weeks.

The training period for lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience. Entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

416.5.1 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 Kittitas County Sheriff's Office. The deputy shall become knowledgeable of

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Field Training Officer Program

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 Kittitas County Sheriff's Office.

416.6 EVALUATIONS

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

416.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit the signed copy of the DOR to the FTO supervisor on a daily basis.
- (b) Review the Daily Trainee DOR with trainee each day.
- (c) Complete a detailed end-of-each week performance evaluation and submit it to the FTO supervisor.
- (d) Sign off all completed topics contained in the Field Training Manual.

416.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall periodically review the DOR's.

416.6.3 FIELD TRAINING SUPERVISOR

The Field Training supervisor will review the DOR's from the assigned FTO on a weekly basis.

416.6.4 TRAINEE

At the completion of each phase of the Field Training Program, the trainee shall submit a performance evaluation form on each of their FTO's and on the Field Training Program. This form shall be delivered directly to the FTO supervisor.

416.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Daily observation reports (DOR's)
- (b) Weekly performance evaluations.
- (c) Documentation that the trainee has successfully completed the field training program.

416.8 REMEDIAL TRAINING FOR VETERAN DEPUTIES

When FTO's are required to be involved in the retraining 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

417.1 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.

417.1.1 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.

417.2 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 Kittitas County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

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Contacts and Temporary Detentions

417.2.1 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.

417.2.2 JUVENILE FIELD CONTACTS

A deputy shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference, before the juvenile waives any constitutional rights anytime a deputy detains a juvenile based on probable cause of involvement in criminal activity or requests the juvenile provide consent to an evidentiary search of the juvenile's property, dwellings, or vehicles under their control (RCW 13.40.740). See the Temporary Custody of Juveniles Policy, Interviewing or Interrogating Juvenile Suspects section for additional guidance and exceptions.

417.3 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.

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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.

417.4 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.

417.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

417.4.2 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.

417.4.3 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.

417.5 POLICY

The Kittitas County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

417.6 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:

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- (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, deputies should attempt to identify the witness prior to their departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by office members.
 - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

418.1 PURPOSE AND SCOPE

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

418.1.1 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.

418.2 POLICY

The Kittitas 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.

418.3 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.

418.3.1 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 Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance with the

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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 Section are appropriately marked as intelligence information. The Administrative Chief Deputy may not purge such documents without the approval of the designated supervisor.

418.3.2 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)).

418.4 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.

418.4.1 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 Section or Property and Evidence Section, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Kittcom 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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418.4.2 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.

418.5 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 Manager to train members to identify information that may be particularly relevant for inclusion.

418.6 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.

418.7 CRIMINAL STREET GANGS

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

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418.8 TRAINING

The MCU supervisor or designated detective 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).

Mobile Audio Video

419.1 PURPOSE AND SCOPE

The Kittitas County Sheriff's Office has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Activate- Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and MAV system- Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder, and monitor.

MAV technician- Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, and storage and retrieval methods, and who have a working knowledge of video forensics and evidentiary procedures.

419.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to use mobile audio/video technology to more effectively fulfill the mission of the Office and to ensure these systems are used securely and efficiently.

419.3 DEPUTY RESPONSIBILITIES

At the start of each shift, deputies should test the MAV system's operation in accordance with manufacturer specifications and agency operating procedures and training.

System documentation is accomplished by the deputy tagging relevant recordings. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

419.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the vehicle's emergency lights are activated and may be configured to turn on at other automatic prompts. The system remains on until it is turned off manually.

Whenever reasonably practicable, deputies shall inform any person being recorded that an audio recording is being made and shall ensure that such advisement informing the person is also recorded (RCW 9.73.090(1)(c)).

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Mobile Audio Video

419.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes it would be appropriate or valuable to document an incident.

The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. DUI investigations including field sobriety tests
 - 10. Crimes in progress
- (b) All self-initiated activity in which a deputy would normally notify Kittcom
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Domestic violence calls
 - 2. Disturbance of peace calls
 - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) Any other circumstance where the deputy believes that a recording of an event would be appropriate

419.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses and victims have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

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419.4.3 SURREPTITIOUS RECORDING

No member of this office may surreptitiously record a conversation of any other member of this office except with a court order (RCW 9.73.090).

419.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made.

419.5 REVIEW OF MAV RECORDINGS

All recorded images and audio recordings are the property of the Office. Dissemination outside of the Office is strictly prohibited, except to the extent permitted or required by law.

Recordings may be reviewed in any of the following situations:

- (a) By deputies for use when preparing reports or statements
- (b) By a supervisor investigating a specific act of deputy conduct
- (c) By a supervisor to conduct documented reviews of their subordinate's MAV media to evaluate the member's performance, verify compliance with office procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review MAV media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
- (d) To assess proper functioning of MAV systems
- (e) By office investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation
- (f) By office personnel who request to review recordings
- (g) By a deputy who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to their employment
- (h) By court personnel through proper process or with the permission of the Sheriff or the authorized designee
- (i) To assess possible training value
- (j) For training purposes. If an involved deputy objects to showing a recording, their objection will be submitted to the command staff to determine if the training value outweighs the deputy's objection.
- (k) As may be directed by the Sheriff or the authorized designee

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

419.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of the recording shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

Body-Worn Cameras

420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by deputies of this office and for the access, use, and retention of office BWC media (RCW 10.109.010).

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to vehicle-based audio/video recording equipment, interviews or interrogations using audio/video recording equipment located at any Kittitas County Sheriff's Office facility, undercover operations, wiretaps, or concealed listening devices.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by office BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Office to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only very temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

420.2 POLICY

It is the policy of the Office to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes deputy safety and office accountability and transparency while also protecting the privacy of members of the public.

420.3 RESPONSIBILITIES

420.3.1 DEPUTY RESPONSIBILITIES

Every deputy assigned a BWC is responsible for its proper use and safekeeping.

At the beginning of each shift or period of BWC use, the deputy should inspect their assigned BWC to confirm it is charged and in good working order.

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Body-Worn Cameras

Deputies shall report any malfunction or damage to the on-duty supervisor and obtain a functioning BWC as soon as reasonably practicable.

Uniformed members who are assigned a BWC should wear it in a conspicuous manner, forward facing above the belt-line and below the collar.

Any member in a non-uniformed position who is assigned a BWC may use the BWC any time they believe the device may assist in their duties. Unless conducting an authorized recording in an lawful undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner, forward facing above the belt-line and below the collar.

When using a BWC not assigned to them, members shall record their name, KCSO badge number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording, such as when the BWC is assigned to and used by a single person.

Members should document the existence of any BWC media in any report or other official record of a contact, detailing any case in which the recorder malfunctioned or the member deactivated the device prior to the end of the event or muted any portion of the audio recording. Members should include the reason for deactivation or muting in that documentation (RCW 10.109.010).

420.4 BWC USE

The following guidelines apply to the use of BWCs:

- (a) Only office-issued BWCs should be used without the express consent of the Sheriff or authorized designee.
- (b) The use of office-issued BWCs shall be strictly limited to deputies for office-related activities (RCW 10.109.030).
- (c) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.

420.4.1 PROHIBITIONS

BWCs should not be used to record:

- (a) Routine administrative activities of the Office that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Office has a duty to keep secure (i.e., criminal justice information).
- (b) Areas within the office facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
- (c) Conversations of other members without their knowledge.
- (d) When a member is taking an authorized break or otherwise engaged in personal activities.
- (e) In a courtroom unless responding to a call for service or emergency situation.

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- (f) Interactions with undercover deputies or confidential informants.
- (g) Strip searches.

420.5 ACTIVATION OF BWC

This policy is not intended to describe every possible situation in which the BWC should be activated. Members should activate the BWC any time the member believes it would be appropriate and valuable to record an incident. The BWC should be activated in any of the following situations:

- All enforcement and investigative contacts including stops and field interview (FI) situations
- Traffic stops including, but not limited to, traffic violations and all crime interdiction stops
- Self-initiated activity of which a member would normally notify Kittcom
- Prisoner transports, if the vehicle being used for transport is not equipped with interior camera
- Reading of Miranda warnings and custodial interviews, per RCW 10.122
- Victim and witness statements, when appropriate
- Vehicle and foot pursuits
- Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

Members should exercise reasonable discretion to record, or not record, events in the following circumstances:

- When in a location where individuals have a reasonable expectation of privacy, such as bathroom or locker room (unless the member is there to effect an arrest or serve a warrant).
- When respect for an individual's privacy or dignity outweighs the need to record an event.
- Examples may include (list not meant to be all-inclusive):
 - Natural death scenes
 - Death notifications
 - Subjects who articulate cultural or religious objections to being recorded.

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- Sensitive communications such as matters of law enforcement intelligence or when the recording could hinder a criminal investigation.
- Whenever the member has an articulable basis, based on the facts and circumstances of the situation, that recording would be unsafe or otherwise detrimental to the investigation or contact with the involved parties.

Deputies should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation. It is advisable to consult with a supervisor, if practicable, prior to making the decision not to record in a situation that would normally require it.

The microphones of the BWC are sensitive and may inadvertently record conversation without the member's intent or knowledge. Audio should be muted if a member is positioned where the BWC might record privileged conversation between a person and their attorney, medical provider, or clergy.

Because of its sensitivity, the BWC may record the conversation of someone on the remote end of a telephone conversation. A member should mute the audio when placing a phone call while recording, unless they notify the other party that the call may be recorded.

At no time is a member expected to jeopardize his/her safety in order to activate a BWC. However, the BWC should be activated in situations described above as soon as reasonably practicable.

420.5.1 NOTICE OF RECORDING AND REFUSALS TO BE RECORDED

No member of this office may record a face-to-face conversation without first announcing to everyone present that the conversation is being recorded and ensuring this announcement is recorded. The only exceptions are recordings pursuant to a warrant, or when the communication is of an emergency nature or relates to communications by a hostage holder or barricaded suspect (RCW 9.73.030).

If a member develops reason to believe someone is unable to understand the notice that they are being recorded due to limited English proficiency or hearing impairment, the member should use appropriate and available resources to convey that understanding as early as they safely and reasonably can. The steps taken to convey that notification should be documented.

Law Enforcement may record persons without their consent; however, subjects must be notified they are being recorded.

In some cases, there may be a legitimate Law Enforcement interest in speaking with a subject (such as a suspect in a custodial interview) who refuses to speak in the presence of a recording device. If the member determines it is safe to do so, they may deactivate or mute the BWC for the duration of such a conversation. The subject's refusal to speak while the BWC is activated should be recorded before deactivation if feasible, and the decision and reasons for deactivation must be documented in the associated report (RCW 10.122.060).

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420.5.2 LIVESTREAMING

Livestreaming enables authorized individuals to remotely view the audio and video captured by a deputy's BWC in real time. Only supervisors and [dispatchers] approved by the Sheriff or the authorized designee shall have access to livestreaming capabilities.

Livestreaming is only possible when the deputy has activated the BWC. Livestreaming does not include the ability to remotely activate the BWC.

Livestreaming should only be used:

- (a) For purposes of deputy safety when the deputy is not responding to their radio or there is some other indication of distress.
- (b) To assist with situational awareness or tactical decisions during a significant incident.
- (c) When requested by the deputy.

420.6 UPLOADING BWC MEDIA

Members should upload BWC recordings in a timely manner to preserve recordings and ensure adequate recording space on the BWC. Members shall upload BWC footage as soon as practicable after a serious incident or when storage capacity approaches its limit.

Video footage should be uploaded prior to going on regular days off or other planned absence from the Office. Members shall notify their supervisor of any significant delay in uploading video footage.

Under certain circumstances, the Office may require video to be uploaded at times other than those specified herein, or may cause the video to be uploaded by someone other than the member to whom the BWC was assigned.

420.6.1 TAGGING BWC MEDIA

To assist with identifying and preserving data and recordings, members should:

- 1. Ensure that each recording captured on their BWC or a BWC they use is associated with an incident number, if an incident number is created;
- 2. Categorize each recording for appropriate preservation in accordance with procedure; and
- 3. Document the existence of the recording in any related incident report.

A member should tag or mark recordings when they reasonably believe:

- (a) A complainant, victim or witness has requested non-disclosure.
- (b) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (c) Disclosure may be an unreasonable violation of someone's privacy.
- (d) Medical or mental health information is contained.
- (e) Disclosure may compromise an undercover deputy or confidential informant.

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Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact that may result in a complaint), the member should promptly notify a supervisor of the existence of the recording.

Supervisors should conduct audits at regular intervals to confirm BWC equipment is being used properly and effectively and that media is being properly uploaded and tagged by their subordinates.

420.7 BWC MEDIA

All BWC media is the sole property of the Office. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Office and shall not be used by the vendor for any purpose without explicit approval of the Sheriff or the authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Sheriff or the authorized designee.

BWC media systems should not be accessed using personal devices unless authorized by the Sheriff or the authorized designee.

420.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

BWC media shall only be accessed and viewed for legitimate office-related purposes in accordance with the following guidelines:

- (a) Deputies may review their own BWC media for office-related purposes.
- (b) Deputies may review BWC media of an event about which they are preparing reports or testimony, or in which they are conducting a criminal investigation.
- (c) Supervisors are permitted to access and view BWC media of their subordinates.
 - 1. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy. These reviews also provide opportunity to evaluate the deputy's performance, verify compliance with office procedures, and determine the need for additional training.
 - 2. Periodic reviews or audits shall not include an imbalanced focus on any specific deputy or group of deputies. If, during an audit or review of BWC media, reasonable cause is found for further investigation concerning a specific deputy or deputies, that cause shall be documented and submitted to command staff prior to any broader review of the recordings of the specific deputy or deputies.

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- (d) Deputies who are assigned as trainers are permitted to access and view BWC media relevant to their discipline or subject area for training purposes. Training deputies may use BWC media for training purposes with the approval of the Sheriff or the authorized designee. Caution should be used to avoid embarrassing or singling out a member and, to the extent practicable, trainers should seek consent from the members appearing in the BWC media before its use for training.
- (e) A supervisor or other assigned reviewer shall review all BWC media associated with any use of force or pursuit review.
- (f) BWC system administrators may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

BWC media may also be reviewed:

- By members prior to providing a statement in an administrative investigation;
- By an employee's legal representative and/or bargaining unit representative who is involved in representing the employee in an administrative investigation;
- By the Sheriff's legal representative and/or bargaining unit representative who is involved in representing the County in an official matter such as an administrative investigation, lawsuit, or criminal investigation;
- By County Prosecutors; or
- Pursuant to a subpoena or public records request.

Specific acts that reflect positively on the Sheriff's Office or that may be of interest to the public may be made available to the media or published via social media upon approval of the Sheriff or designee.

420.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if it depicts (RCW 42.56.050):

- (a) The interior of a private residence.
- (b) The interior of a facility that offers health care, mental health or substance abuse treatment, or social services.
- (c) An intimate image.
- (d) A minor.
- (e) The body of a deceased person.
- (f) Child victims, child witnesses, and juveniles in the court system.
- (g) The image of any witness who expresses safety concerns or who requests that their identity not be disclosed.
- (h) Persons experiencing a medical emergency or receiving medical treatment.

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- (i) Persons with apparent mental illness in crisis or who are detained for a mental health evaluation.
- (j) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010.
- (k) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.
- (l) Any image which reveals personal identifying information.

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy.

420.8 RETENTION OF BWC MEDIA

Non-evidentiary BWC media should be retained in accordance with state records retention laws but in no event for a period less than 60 days (RCW 42.56.240).

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Sheriff or the authorized designee.

A member may inadvertently record themselves or others. These accidental recordings typically do not meet the statutory definition of a public record because they are not made in connection with the transaction of public business and may be deleted upon request using the following procedure:

- Notify a BWC system administrator of the details of the video and circumstances.
- The BWC administrator will review the video and circumstances and make a recommendation to command staff.
- If authorized by command staff, the BWC administrator shall delete the video.

420.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be preserved according to established office procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Property and Evidence Policy).

420.9 TRAINING

Each deputy issued a BWC or who may reasonably use a BWC shall receive initial training before use, and periodic refresher training thereafter. Training should include (RCW 10.109.010):

- (a) Proper use of the BWC device and accessories.
- (b) When BWC activation is required, permitted, and prohibited.
- (c) How and when an individual should be informed of being recorded, including methods for communicating with persons with hearing disabilities or limited English proficiency.

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- (d) How to respond to an individual's reluctance to being recorded or request to stop recording.
- (e) Proper use of the BWC media systems, including uploading and tagging procedures.
- (f) Security procedures for BWC media, including appropriate access and use.

Mobile Digital Computer Use

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Digital Computer (MDC) system in order to ensure proper access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between office members and Kittcom. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

421.2 POLICY

Kittitas County Sheriff's Office members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

421.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

421.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Patrol Sergeants.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or 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 their supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

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421.4.1 USE WHILE DRIVING

Use of the MDC 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.

421.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Patrol Sergeant or other office-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the Deputy Sheriff's radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

421.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the Deputy Sheriff's radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

421.6 EQUIPMENT CONSIDERATIONS

421.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Kittcom. It shall be the responsibility of the deputy to document all information that will then be transmitted verbally over the Deputy Sheriff's radio.

421.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Medical Cannabis

422.1 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 cannabis use under Washington's Medical Use of Cannabis Act and criminal controlled substance violations (RCW 69.51A.005 et seq.).

422.1.1 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 cannabis.

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 cannabis authorization database as being the designated provider to a qualifying patient and has been provided a recognition card.

An individual may act as a designated provider to no more than one patient at a time, is prohibited from consuming cannabis obtained for the use of the qualifying patient, and may only provide cannabis to the patient designated to the provider.

Medical use of cannabis - The manufacture, production, possession, transportation, delivery, ingestion, application, or administration of cannabis for the exclusive benefit of a qualifying patient in the treatment of the patient's terminal or debilitating medical condition.

Qualifying patient - Any person who meets all of the following criteria:

- Has been diagnosed by the person's 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 the person's health care professional about the risks and benefits of the medical use of cannabis
- Has been advised by the health care professional that the person may benefit from the medical use of cannabis
- Has an authorization from the person's health care professional or has been entered into the medical cannabis authorization database and has been provided a recognition card
- Is not under supervision for a crime that does not allow for the use of medical cannabis

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Recognition card - A card issued to qualifying patients and designated providers by a cannabis retailer with a medical cannabis endorsement that has entered them into the medical cannabis authorization database.

422.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to prioritize resources to avoid making arrests related to cannabis that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

Washington medical cannabis laws are intended to provide protection from prosecution for those who use, possess, deliver, or produce cannabis to mitigate the symptoms of certain debilitating or terminal medical conditions. However, Washington medical cannabis laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of cannabis.

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.

422.3 INVESTIGATION

Investigations involving the possession, delivery, or production of cannabis 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.

422.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, or production of cannabis where there is no claim that the cannabis 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 cannabis is possessed or produced for medicinal purposes.

422.3.2 MEDICAL CLAIMS BY QUALIFYING PATIENTS OR DESIGNATED PROVIDERS

A qualifying patient or designated provider who was entered into the medical cannabis authorization database and who possesses a valid recognition card or who holds a valid authorization but has not been entered into the authorization database nor issued a recognition card should not be arrested or cited if the patient or provider possesses no more than six plants in the patient's or provider's residence with up to 8 ounces of useable cannabis from these plants and any of the following (RCW 69.51A.040):

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- (a) 48 ounces of cannabis-infused product in solid form
- (b) 3 ounces of useable cannabis
- (c) 216 ounces of cannabis-infused product in liquid form
- (d) 21 grams of cannabis concentrates

A qualifying patient may be allowed to possess up to 15 plants with up to 16 ounces of useable cannabis in the patient's residence for the personal medical use of the patient with appropriate health care professional authorization (RCW 69.51A.210).

Qualifying patients and designated providers who have not been entered into the authorization database may purchase cannabis only at a retail outlet at the same quantities as non-patients (RCW 69.50.360; RCW 69.51A.210). Qualifying patients and designated providers may purchase immature plants or clones and cannabis seeds from a licensed cannabis producer (RCW 69.51A.310).

If a person is both a qualifying patient and a designated provider for another, the person 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 patient's cannabis for the provider's 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 sold, donated, or supplied the cannabis to another person (RCW 69.51A.040).

422.3.3 EXCESS AMOUNTS OR NO AUTHORIZATION

A qualifying patient or designated provider may raise an affirmative defense to charges that the amount of cannabis in the patient's or provider's possession exceeds the amount legally allowed by RCW 69.51A.040 based upon medical need (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 cannabis if an excess amount appears reasonable based upon the above policy consideration. 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.040).

All facts should be thoroughly documented and if evidence is not seized, it shall be photographed and detailed in the report.

422.3.4 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 cannabis (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 cannabis).
 - 5. Whether the cannabis 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 cannabis authorized under the Washington medical cannabis 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 15.140.030).
- (e) A medical endorsement can be added to a cannabis retail license to allow a retailer to sell cannabis 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 Cannabis Authorization Database and regulates cannabis retail outlets with medical cannabis endorsements. This database may be accessed by authorized law enforcement officials for specific criminal investigations (WAC 246-71-080).

422.4 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 cannabis in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or RCW 46.61.504, or equivalent local ordinances.
- (b) Uses or displays medical cannabis in a manner or place open to the view of the public.

422.5 FEDERAL LAW ENFORCEMENT

Deputies may exchange information regarding a cannabis 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

423.1 PURPOSE AND SCOPE

The Kittitas County Sheriff's Office Marine Enforcement Unit has the responsibility for enforcing water safety and use laws within Kittitas 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 Kittitas County Ordinances (Title 9), as well as applicable state laws.

423.2 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.

Followup investigations will normally be assigned to the Marine Enforcement Unit. However, if appropriate, followup investigations may be assigned to a detective, or patrol deputy.

423.2.1 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, there is a death or the accident meets the established value threshold of \$750.00 damage.

Boating accident reports are available in the squad room. Investigating Deputies will ensure the Boating accident reports are forwarded to the Records Section and request that a copy be forwarded to Washington State Parks Boating Section.

423.2.2 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.

423.3 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 onshore activities, or to conduct onshore 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 the Water Rescue will be called out through a request to Kittcom.

423.4 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.

423.5 UNIFORM

Marine Enforcement Unit uniforms will be those suggested by the uniform committee and approved by the Sheriff.

Foot Pursuits

424.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

424.2 POLICY

It is the policy of this office that deputies, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to office members, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.

424.3 DECISION TO PURSUE

The safety of office members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and 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.
- (e) Air support.

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- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

424.4 GENERAL GUIDELINES

When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The deputy is acting alone.
- (c) Two or more deputies become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The deputy is unsure of his/her location and direction of travel.
- (e) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the deputy renders him/her incapable of controlling the suspect if apprehended.
- (g) The deputy loses radio contact with the dispatcher or with assisting or backup deputies.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.
- (j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.
- (k) The deputy loses possession of his/her firearm or other essential equipment.
- (l) The deputy or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to office members or the public if the suspect is not immediately apprehended.

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- (o) The deputy's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

424.5 RESPONSIBILITIES IN FOOT PURSUITS

424.5.1 INITIATING DEPUTY RESPONSIBILITIES

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient deputies are present to safely apprehend the suspect.

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputy unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for deputies, suspects or members of the public.

424.5.2 ASSISTING DEPUTY RESPONSIBILITIES

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

424.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible;

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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 shall promptly proceed to the termination point to direct the post-foot pursuit activity.

424.6 REPORTING REQUIREMENTS

The initiating deputy shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and deputies.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.
- (k) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating deputy need not complete a formal report.

Homeless Persons

425.1 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 Kittitas County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Kittitas County Sheriff's Office will address these needs in balance with the overall missions of this office. Therefore, deputies will consider the following policy sections when serving the homeless community (see the Emergency Detentions Policy).

425.1.1 POLICY

It is the policy of the Kittitas 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 office will not use homelessness solely as a basis for detention or law enforcement action.

425.2 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.

425.2.1 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 Adult Abuse 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).

425.3 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. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

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.

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 unless it is appropriately collected as evidence in an investigation or preserved and entered as found property.

425.4 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.

425.5 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

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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

426.1 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.

426.2 POLICY

The Kittitas 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.

426.3 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.

426.4 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 behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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

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

426.5 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.

426.6 SEIZING RECORDINGS AS EVIDENCE

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

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

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

First Amendment Assemblies

427.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

427.2 POLICY

The Kittitas County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

427.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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427.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating office performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

427.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Kittcom, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

427.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

427.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

427.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with County government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

427.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

427.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

427.7 USE OF FORCE

Use of force is governed by current office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

427.8 ARRESTS

The Kittitas County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of deputies and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

427.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

427.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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427.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Kittcom records/tapes
- (g) Media accounts (print and broadcast media)

427.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

427.12 TRAINING

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Office should, when practicable, train with its external and mutual aid partners.

Civil Disputes

428.1 PURPOSE AND SCOPE

This policy provides members of the Kittitas 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.

428.2 POLICY

The Kittitas 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.

428.3 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.

428.4 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

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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.

428.4.1 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 7.105.320). 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 the person 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.

428.5 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.

428.6 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.

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428.6.1 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 (RCW 9A.52.105):

- The person has been allowed a reasonable opportunity to secure and present evidence that the person is lawfully on the premises
- The deputy reasonably believe he/she has probable cause to believe the person is committing criminal trespass under RCW 9A.52.070

A deputy should give the trespasser a reasonable opportunity to vacate the premises before taking enforcement action.

Crisis Intervention Incidents

429.1 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.

429.1.1 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.

429.2 POLICY

The Kittitas 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.

429.3 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

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.

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429.4 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 consider the following, as available and appropriate to the circumstances:

- (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.

429.5 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.

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- 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 avoid, when possible:

- Using stances or tactics that can be interpreted as aggressive.
- Allowing others to interrupt or engage the person.
- Cornering a person who is not believed to be armed, violent or suicidal.
- Arguing, speaking with a raised voice or using threats to obtain compliance.

429.6 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 Deputy Sheriff's response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

429.7 SUPERVISOR RESPONSIBILITIES

A supervisor should consider responding to the scene of any interaction with a person in crisis. When responding, supervisors should perform the following, if and when appropriate to the circumstances:

- (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.

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- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Chief Deputy.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

429.8 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.

429.8.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Emergency Detentions Policy.

429.8.2 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 emergency detention or voluntarily consent to immediate evaluation at a behavioral health facility (RCW 71.05.457).

- (a) Referrals should be made to the person by providing the name and phone number of the behavioral health agency and any available handouts.
- (b) The deputy may notify the behavioral 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 behavioral health agency should be sufficiently detailed regarding the nature of the incident and the person's behavior, to facilitate the behavioral health agency's prioritization and nature of their response. The deputy should promptly provide a copy of the report to the referred behavioral health agency (RCW 71.05.457).

429.9 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn 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

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person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

429.10 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Office will develop and provide comprehensive education and training to all office members to enable them to effectively interact with persons in crisis.

Training shall include mandated training in crisis intervention, certified by the Criminal Justice Training Commission, as required by Washington law (RCW 43.101.427; WAC 139-09-020 et seq.).

Medical Aid and Response

430.1 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.

430.2 POLICY

It is the policy of the Kittitas 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.

430.3 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 Kittcom 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 Kittcom 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 of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

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.

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Injured persons shall be monitored while in law enforcement custody (Washington State Office of the Attorney General Model Use of Force Policy).

430.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional 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.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

430.5 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 emergency detention in accordance with the Emergency Detentions Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, the deputy 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.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

430.6 POTENTIALLY VIOLENT MEDICAL CRISES

A crisis stemming from substance use and/or mental illness may induce a medical emergency that includes a wide variety of behaviors and symptoms. Such a crisis may become violent or potentially violent, manifesting some or all of the following::

- Paranoia, fear or panic
- Bizarre or violent behavior
- Confusion, disorientation, or hallucinations
- Disrobing or nudity
- Uninhibited physical strength or endurance
- High body temperature and/or profuse sweating
- High resistance to pain

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Deputies responding to a potentially violent medical crisis should use available and appropriate de-escalation and scene-control tactics to prevent violence or crime and to safely take the subject into custody if a criminal arrest or emergency detention is appropriate.

If a potentially violent medical crisis is suspected, Emergency Medical Services should be asked to respond or stage as early as possible. The subject of a potentially violent medical crisis should be evaluated immediately if they are taken into custody or are willing to be evaluated.

430.7 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.

430.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A semi-automatic external defibrillator or AED should only be used by members who have completed training that includes instruction in CPR and the use of an AED (RCW 70.54.310).

430.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs should regularly check the AED to ensure it is properly charged and functioning. Any AED that is not functioning properly shall be taken out of service and given to the safety officer 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 Kittcom as soon as possible and request response by EMS (RCW 70.54.310).

430.8.2 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).

430.8.3 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate training is provided to members authorized to use an AED.

An assigned safety officer 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).

430.9 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).

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430.9.1 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 Manager.

Any member who administers an opioid overdose medication should contact Kittcom as soon as possible and request response by EMS.

430.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

430.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The First Aid Instructor should ensure training is provided to members authorized to administer opioid overdose medication.

430.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee 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 to an appropriate medical facility.

Nothing in this section should delay a deputy from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the deputy's training.

430.11 FIRST-AID TRAINING

The Training Manager should ensure deputies receive periodic first-aid training appropriate for their position.

Suspicious Activity Reporting

431.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

431.1.1 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. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability 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.

431.2 POLICY

The Kittitas 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.

431.3 RESPONSIBILITIES

The Major Crimes Chief Deputy and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for office participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Major Crimes Chief Deputy include, but are not limited to:

- (a) Remaining familiar with those databases available to the Office 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 Office.
- (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 Office 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).

431.4 REPORTING AND INVESTIGATION

Any Sheriff's Office 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 non-sworn 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 report and include information about involved parties and the circumstances of the incident.

431.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Major Crimes Unit supervisor
- Crime Analysis Unit
- Other authorized designees

Automated License Plate Readers

432.1 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 Kittitas County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including but not limited to identifying stolen or wanted vehicles, stolen license plates, missing persons, information related to active warrants or criminal investigations, homeland security, electronic surveillance, and suspect interdiction.

ALPR systems may include the ability to recognize and search vehicle traits or features other than or in addition to License Plates. The guidelines and limitations on the use of ALPRs in this policy also apply to the use of these additional vehicle recognition and search capabilities.

432.2 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Office personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate law enforcement business.
- (b) An ALPR may be used in conjunction with any patrol operation or official office investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) No member of this office shall operate ALPR equipment, or access ALPR data, without first completing office-approved training.
- (d) Deputies should verify any ALPR response or alert through A Central Computerized Enforcement Service System (ACCESS) before taking enforcement action. If exigent circumstances require immediate action the response or alert shall be confirmed as early as reasonably possible.
- (e) If an ALPR response or alert is based on information from another law enforcement agency or officer that is not in ACCESS (e.g., an alert based on an open criminal investigation from another agency), the deputy should confirm the information in the alert before taking enforcement action. If exigent circumstances require immediate action, the response or alert shall be confirmed as early as reasonably possible.
- (f) No ALPR operator may retrieve ACCESS data unless otherwise authorized to do so.

432.3 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Kittitas County Sheriff's Office. Because such data may contain confidential ACCESS information, it is not open to public review. ALPR information gathered and retained by this office may be used and shared with prosecutors or others only as permitted by law.

All ALPR data shall be stored according to the Washington State Law Enforcement Records Retention Schedule and thereafter 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

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records. In such circumstances the applicable data should be downloaded and preserved in manner consistent with the retention and chain-of-evidence requirements of all digital evidence.

432.4 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Kittitas County Sheriff's Office will observe the following safeguards regarding access to and use of stored data:

- (a) Non-law enforcement requests for access to stored ALPR data shall be referred to the Public Records Officer and processed in accordance with applicable law.
- (b) Members 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 office-related civil or administrative action.
- (c) ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (d) The Inspector shall conduct or assign ALPR system audits on a regular basis.

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 Kittitas 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:

500.3.1 WARNINGS

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

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500.3.2 CITATIONS

Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

500.3.3 ARRESTS FOR TRAFFIC OFFENSES

Deputies may issue a traffic citation for any criminal traffic offense or infraction when such violations are committed in a deputy's presence or as allowed pursuant to RCW 10.31.100. With limited exceptions, the detention in such cases may not be for a period of time longer than is reasonably necessary to issue and serve a citation to the violator.

A traffic-related detention may expand to a physical arrest under the following circumstances:

- (a) When the deputy has probable cause to believe that a felony has been committed, whether or not it was in the deputy's presence
- (b) When the offense is one or more of the traffic violations listed in RCW 10.31.100
- (c) When a driver has been detained for a traffic offense listed in RCW 46.63.020 and fails to provide adequate identification or when the deputy has reasonable grounds to believe that the person to be cited will not respond to a written citation. In such cases, deputies should, when practicable, obtain the approval of a supervisor before making an arrest.

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If a deputy contacts a traffic violator who is also driving on a suspended or revoked license, the deputy should issue a traffic citation or make an arrest as appropriate.

500.4.1 SUSPENDED, REVOKED OR CANCELED COMMERCIAL LICENSE PLATES

If a deputy contacts a traffic violator who is operating a commercial truck, truck tractor or tractor with registration that a computer check confirms to be revoked, suspended or canceled, the deputy shall confiscate the license plates. The Office may either recycle or destroy the plates (RCW 46.32.100).

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).

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Although intended primarily for use while performing traffic related assignments, high-visibility vests shall 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 shall be worn include traffic control duties, accident investigations, lane closures, and while at disaster scenes, or anytime high visibility is desirable.

When emergency conditions preclude the immediate donning of the vest, deputies shall retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Manager should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.6 HAZARDOUS ROAD CONDITIONS

The Kittitas 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. When road repairs or other traffic safety conditions require it, the county Department of Public Works or other appropriate public works agency should be notified through Kittcom.

500.7 SCHOOL BUS SAFETY CAMERAS

Any school district with buses properly equipped with cameras that capture stop-arm violations may report such violations to the Kittitas County Sheriff's Office whenever they occur within the office's jurisdiction.

The Supervisor should establish a report form and procedure for school districts to report school bus stop-arm violations (RCW 46.63.180).

500.7.1 NOTIFICATION OF INFRACTION

The Supervisor or the authorized designee should initiate an investigation of the reported violation after receiving a stop-arm violation report from a school district.

Issuance of a citation shall conform to state requirements (RCW 46.63.180). The notice of infraction shall be mailed to the registered owner or renter, if applicable, of the vehicle within 14 days of the violation.

Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

This policy describes the circumstances in which members should prepare traffic collision reports.

501.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by members of this office shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System. The Supervisor will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Operations Chief Deputy, or other persons as required.

501.2.1 STATEWIDE ELECTRONIC COLLISION AND TICKET ONLINE RECORDS (SECTOR)

This office utilizes SECTOR software to complete traffic citations and traffic collision reports. SECTOR shall only be used by those authorized employees who have completed office-approved training in the use of SECTOR software. All traffic collision reports completed with SECTOR software shall comply with established report approval requirements.

All reports completed using SECTOR software should be downloaded to the designated server as soon as practicable or in any case prior to the end of the employee's shift.

501.3 REPORTING SITUATIONS

501.3.1 TRAFFIC COLLISIONS INVOLVING COUNTY VEHICLES

Traffic collision investigation reports shall be taken when a County-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a County vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Chief Deputy.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.3.2 TRAFFIC COLLISIONS WITH DEPUTY SHERIFF'S OFFICE EMPLOYEES

When an employee of this office, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Kittitas County Sheriff's Office resulting in a serious injury or fatality, shall notify the Patrol Sergeant, who may notify the Washington State Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

501.3.3 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS

The Supervisor or on-duty Patrol Sergeant may request assistance from the Washington State Patrol for the investigation of any traffic collision involving any County official or employee where a serious injury or fatality has occurred.

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Traffic Collision Reporting

501.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit-and-run violation, or RCW violation. An Incident Report may be taken at the discretion of any supervisor.

501.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this office 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

When a collision results in the death of anyone other than the driver who caused the collision, deputies shall use the current state authorized form to document the collision and submit it to the state department of licensing (RCW 46.52.070).

When a collision results in substantial bodily harm as defined in RCW 9A.04.110 and deputies have reason to believe the operator who caused the accident may not be competent to operate a motor vehicle, deputies shall submit the same form to the department, along with the reasons for their belief.

Testing of Unimpaired Surviving Drivers in Fatality Collisions

502.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for obtaining and reporting breath samples from all surviving drivers involved in fatality traffic collisions. It is intended to provide direction for the collection of voluntary breath samples by drivers in fatality crashes who are determined by the investigating deputy to not be impaired. If such drivers offer or request to provide a blood sample, deputies will follow agency procedures to obtain the sample.

502.2 DEFINITIONS

Fatality collision - A traffic collision that results in one or more fatalities.

Impairment - The presence of alcohol, medication or other drugs that impair a person's ability to drive.

Drug Recognition Expert (DRE) - A deputy trained to recognize the signs and symptoms of impairment that could result from seven different categories of drugs.

Preliminary Breath Tester (PBT) - A hand held device used to detect blood alcohol concentration.

Police Traffic Collision Report (PTCR) - The collision investigation report form.

Advanced Roadside Impairment Driving Enforcement (ARIDE) - Created by the National Highway Transportation Safety Administration to address the gap between Standard Field Sobriety Testing (SFST) and the Drug Recognition Expert program.

502.3 POLICY

Impairment plays a substantial role in fatality collisions. In order to:

- (a) Understand the scope of impairment among Washington drivers,
- (b) determine the most effective preventive strategies, and
- (c) reduce fatalities and serious injury collision.

It is imperative to collect as much information about driver impairment on Washington's roadways as possible.

We know that impairment plays a substantial role in fatality collisions and we have an obligation to fully investigate any and all fatality collisions.

We recognize that while we cannot compel all drivers involved in fatality collisions to provide a sample of the drivers breath or blood to determine evidence of impairment, we will nonetheless investigate all surviving drivers involved in fatality collisions using other techniques or processes for evidence of impairment.

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Testing of Unimpaired Surviving Drivers in Fatality Collisions

To fulfill this obligation, it shall be the policy of the Kittitas County Sheriff's Office to regulate the manner in which these investigations are conducted.

502.4 PROCEDURES

- (a) A DRE or ARIDE trained officer will respond to all fatality crashes. If one is not available, the on scene deputy needs to identify and/or eliminate signs/symptoms of impairment.
- (b) Deputies will ask the surviving driver if he/she has any injury from the collision. If any of the following exist, the process would stop.
 - 1. Injury that would prevent the driver from completing Standard Field Sobriety Tests (SFST) or Preliminary Breath Tests (PBT).
 - 2. Injury that would prevent the driver from providing informed consent for the SFST's or PBT, or
 - 3. Driver is unable to provide knowing consent.
- (c) If none of the above conditions are met, the deputy will proceed with asking the surviving driver to complete SFST's, including the PBT.
- (d) The PBT result will be recorded on the PTCR and verbally provided and/or shown to the driver.

Vehicle Towing and Release

503.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Kittitas County Sheriff's Office.

503.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

503.2.1 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 Kittcom. 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 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.

503.2.2 DRIVING A NON-COUNTY VEHICLE

Vehicles which have been towed by or at the direction of the Office should not be driven by Deputy Sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

503.2.3 RECORDS SECTION RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Kittitas County Sheriff's Office, Records Section personnel will promptly attempt to notify the legal owner of the recovery (RCW 7.69.030(7)).

503.3 TOWING SERVICES

The County of Kittitas periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

Nothing in this policy shall require the Office to tow a vehicle.

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Vehicle Towing and Release

503.4 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this office to provide reasonable safekeeping for the arrestee's vehicle. The vehicle shall be stored whenever it is mandated by law, needed for the furtherance of an investigation or prosecution of the case, or when the Community Caretaker Doctrine would reasonably suggest it. For example, the vehicle would present a traffic hazard if not removed, or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

No impound should occur if other alternatives are available that would ensure the vehicle's protection. Factors that should be considered by deputies in determining whether to impound a vehicle pursuant to this policy include:

- (a) Whether the offense for which the subject was arrested mandates vehicle impound (e.g., commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor (RCW 9A.88.140(2))).
- (b) Whether someone is available at the scene of the arrest to whom the vehicle could be released.
- (c) Whether the vehicle is impeding the flow of traffic or is a danger to public safety.
- (d) Whether the vehicle can be secured.
- (e) Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.
- (f) Whether there is some reasonable connection between the crime/arrest and the vehicle, or the vehicle is related to the commission of another crime (i.e., the vehicle itself has evidentiary value).
- (g) Whether the owner/operator requests that the vehicle be stored.
- (h) Whether the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.

In cases where a vehicle is not stored, the handling employee shall note in the report that the owner was informed that the Office will not be responsible for theft or damages to the vehicle.

503.5 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 Deputy Sheriff's custody, to provide for the safety of deputies, and to protect the Office against fraudulent claims of lost, stolen, or damaged property.

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503.6 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.

503.7 TOWING OF HULK VEHICLES

Hulk vehicles should be towed by on duty personnel during daylight work hours, unless an emergency situation exists, i.e., blocking the roadway.

Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The Kittitas County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Washington's impaired driving laws.

504.2.1 SEARCH WARRANTS

Deputies may apply for a search warrant through a judge with the probable cause for DUI to obtain a blood sample from a suspect who has refused a breath or blood test.

504.3 INVESTIGATIONS

Deputies should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All deputies are expected to enforce these laws with due diligence.

The Supervisor will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Washington or another jurisdiction.
- (g) Whether a child under the age of 16 was present in the vehicle (RCW 46.61.507).

504.4 FIELD TESTS

The Supervisor should identify standardized FSTs and any approved alternate tests for deputies to use when investigating violations of DUI laws.

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504.5 CHEMICAL TESTS

A person implies consent under Washington law to a chemical test or tests of the person's breath and to providing the associated chemical sample under any of the following (RCW 46.20.308):

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

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 BREATH SAMPLES

The Supervisor 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 Supervisor.

Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308; RCW 46.25.120).

504.5.2 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.

Deputies should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

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A blood sample may be obtained only with the consent of the individual or as otherwise provided in this policy (RCW 46.20.308; RCW 46.25.120).

504.5.3 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).

504.6 REFUSALS

When an arrestee refuses to provide a chemical sample, deputies shall document the refusal in the appropriate report.

504.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who has been arrested and does not consent to a blood test when any of the following conditions exist (RCW 46.20.308; RCW 46.25.120):

- (a) A search warrant has been obtained.
- (b) The deputy can articulate that exigent circumstances exist.

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.

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1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.7 ARREST AND INVESTIGATION

504.7.1 WARRANTLESS ARREST

A deputy having probable cause to believe that a person is DUI may make a warrantless arrest of the person whether or not the deputy observed the violation first hand (RCW 10.31.100).

Arrests supported by probable cause for DUI are mandatory if the person has been convicted of DUI in the past 10 years or if the deputy has knowledge based on the information available to him/her that the person is charged with, or is waiting arraignment for, an offense that would qualify as a prior offense as defined by RCW 46.61.5055 if it were a conviction (RCW 10.31.100).

504.7.2 DEPUTY RESPONSIBILITIES

If a person refuses to submit to a chemical test, or the results from the test render a prohibited alcohol or THC concentration in the person's breath or blood, the deputy shall (RCW 46.20.308(5)):

- (a) Serve the notice of intention to suspend, revoke, or deny the person's license or permit to drive.
- (b) Provide the person with a written notice of his/her right to a hearing before the Department of Licensing (DOL).
- (c) Advise the person that his/her license or permit is a temporary license.
- (d) Immediately notify the DOL of the arrest and within 72 hours transmit to the DOL a sworn report that states:
 1. The deputy had reasonable grounds to believe the person was DUI.
 2. After having received the required statutory warnings, the person either refused to submit to a test of his/her blood or breath or submitted to a test that rendered a prohibited alcohol or THC concentration of the person's breath or blood.

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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).

504.7.3 ADDITIONAL TESTING

A person submitting to a chemical test pursuant to this policy may have a qualified person of his/her own choosing administer one or more tests in addition to any administered at the direction of a deputy (RCW 46.20.308(2); RCW 46.61.506).

504.8 RECORDS SECTION RESPONSIBILITIES

The records clerk will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.9 ADMINISTRATIVE HEARINGS

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

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

A deputy called to testify at an administrative hearing should document the hearing date and the DOL file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.10 TRAINING

The Training Manager 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 Manager should confer with the prosecuting attorney's office and update training topics as needed.

Traffic Citations & Infractions

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations and infractions, the procedure for dismissal, correction, and voiding of traffic citations and infractions.

505.2 RESPONSIBILITIES

The Records Section shall be responsible for the supply and accounting of all traffic infractions/citations issued to employees of this agency.

505.3 DISMISSAL OF TRAFFIC CITATIONS AND INFRACTIONS

Employees of this office do not have the authority to dismiss a citation or infraction once it has been issued. Only the court has the authority to dismiss a citation or infraction that has been issued. Any request from a recipient to dismiss a citation or infraction shall be referred to the Patrol Supervisor. Upon a review of the circumstances involving the issuance of the traffic citation or infraction, the Patrol Supervisor may direct the issuing deputy to submit a supplemental report explaining the reason for the requested dismissal to be forwarded to the courts by the Records Section. All recipients of traffic citations whose request for the dismissal of a traffic citation or infraction has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation or infraction should be dismissed in the interest of justice or where prosecution is deemed inappropriate the deputy may request the court to dismiss the citation. Upon dismissal of the traffic citation or infraction by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The dismissal shall then be forwarded to the Operations Chief Deputy for review.

505.4 VOIDING TRAFFIC CITATIONS AND INFRACTIONS

Voiding a traffic citation or infraction may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to the Patrol Supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Section with the reason for the voiding written on the back of the citation or infraction.

505.5 CORRECTION OF TRAFFIC CITATIONS AND INFRACTIONS

When a traffic citation or infraction is issued and in need of correction, the deputy issuing the citation shall submit the citation or infraction and a supplemental report requesting a specific correction. The citation or infraction and request shall then be forwarded to the Records Section for submission to the court having jurisdiction and to the recipient of the citation or infraction.

505.6 DISPOSITION OF TRAFFIC CITATIONS AND INFRACTIONS

The court and file copies of all traffic citations and infractions issued by members of this office shall be forwarded to the employee's immediate supervisor for review. The citation and infraction copies shall then be filed with the Records Section.

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Upon separation from employment with this office, all employees issued traffic citation or infraction books shall return any unused citations and infractions to the Records Section.

505.7 JUVENILE CITATIONS AND INFRACTIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Disabled Vehicles

506.1 PURPOSE AND SCOPE

This office has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

506.2 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.

506.3 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.

506.3.1 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.

506.3.2 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.

506.3.3 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.

506.4 POLICY

It is the policy of the Kittitas 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.

Unauthorized 24 Hour Vehicle Violations

507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of unauthorized vehicles parked in violation of 24 hour time limitations.

507.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a highway after being left unattended for 24 hours shall be marked and noted on the Kittitas County Sheriff's Office Marked Vehicle Card. No case number is required at this time (RCW 46.55.010(14)).

A notification sticker shall be applied in a visible location and a visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card (RCW 46.55.085(1)).

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 and a Marked Vehicle Card completed.

507.2.1 MARKED VEHICLE FILE

The records division shall be responsible for maintaining a file for all Marked Vehicle Cards.

Deputies shall be responsible for the follow up investigation of all 24-hour unauthorized vehicle violations noted on the Marked Vehicle Cards. If a marked vehicle has current Washington registration plates, the Deputy shall check the records to learn the identity of the last owner of record and shall make a reasonable effort to contact the owner by telephone and provide notice that if the vehicle is not removed within twenty-four hours from the time the sticker was attached, the vehicle may be taken into custody and stored at the owner's expense (RCW 46.55.085(2)).

507.2.2 VEHICLE STORAGE

A deputy may store any vehicle not removed 24 hours after marking (RCW 46.55.085(3)).

The deputy authorizing the storage of the vehicle shall complete a uniform impound authorization and inventory form. The completed form shall be submitted to the Records Section immediately following the storage of the vehicle (RCW 46.55.075(2)).

DUI Vehicle Seizure and Forfeiture

508.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and forfeiture of vehicles associated with the arrest of subjects for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504).

508.2 SUSPENSION OF WASHINGTON DRIVER LICENSES

RCW 46.61.5058 provides for the forfeiture of any vehicle when the driver of such vehicle has been arrested for driving under the influence or physical control of a vehicle while under the influence, if such person has a prior offense within seven years as defined in RCW 46.61.5055.

508.2.1 ADMINISTRATIVE RESPONSIBILITIES

All procedures and administrative responsibilities associated with this policy are handled by the Patrol Division.

508.3 DUI VEHICLE SEIZURE PROCEDURES

When a deputy arrests a subject for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504), the deputy may initiate steps to seize the arrestee's vehicle under the following circumstances:

- (a) The arrestee has a prior offense within seven years as defined in RCW 46.61.5055
- (b) The arrestee must be provided with a notice, in writing, that it is unlawful to transfer, sell, or encumber in any way the subject's interest in the vehicle in which they were driving or had physical control when the violation occurred, and
- (c) The vehicle is not a rental (RCW 46.61.5058(1)(b)).

The vehicle may be seized as provided under the authority of RCW 46.61.5058.

508.3.1 PHYSICAL SEIZURE OF VEHICLE

Physical seizure of the vehicle shall occur only upon the following circumstances:

- (a) Upon conviction of either driving under the influence or physical control of a vehicle while driving under the influence where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055 and the person driving has a financial interest in the vehicle.
- (b) Upon a court order.
- (c) If there is reasonable cause to believe that the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding, the deputy may seize the vehicle immediately.

Any vehicle that is seized pursuant to any of the above subsections should immediately be impounded and held pending further court action (RCW 46.61.5058(3)).

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508.4 DUI VEHICLE FORFEITURE

It is the policy of the Kittitas County Sheriff's Office to initiate forfeiture proceedings on all vehicles seized pursuant to RCW 46.61.5058.

Within fifteen days after vehicle seizure, the legal owner of the seized vehicle shall be notified of the seizure and intended forfeiture. Such notification shall be accomplished in writing to the last known address of the legal owner by certified mail with a return of service requested, or any other form of notification required by court order (RCW 46.61.5058(4)).

508.4.1 FORFEITURE HEARING

Persons notified of seizure have forty-five days to respond. Upon written response, such persons shall have the opportunity to be heard as to the claim or right (RCW 46.61.5058(6)).

- (a) The following procedure shall apply in such cases:
 - 1. Persons requesting a forfeiture hearing must complete and sign an Kittitas County Sheriff's Office Forfeiture Request Form;
 - 2. All hearings shall be scheduled and conducted in a timely fashion.
 - 3. The hearing officer(s) shall be designated by the Sheriff.
 - 4. The decision of the hearing officer shall be considered final.
- (b) The owner of the seized vehicle may, through his/her initiation and legal process, choose to remove the hearing to court.
- (c) The vehicle shall be considered forfeited under the following circumstances:
 - 1. If, forty-five days after the seizure, no person has notified the Kittitas County Sheriff's Office of a claim of ownership or right to the vehicle.
 - 2. After a hearing officer has determined that the vehicle was lawfully seized and is subject to forfeit.
 - 3. A court of local jurisdiction has determined that the vehicle was lawfully seized and is subject to forfeit.
- (d) In any case where it is determined that the vehicle is not subject to forfeit, it shall be immediately returned to the legal owner.

508.5 PROCEDURES FOLLOWING FORFEITURE

Vehicles that have been lawfully seized and through forfeit the ownership is transferred to the Kittitas County Sheriff's Office may be sold or retained for official use provided that all bona fide security interests to the vehicle are first satisfied (RCW 46.61.5058(7)). The following procedure shall apply after vehicles are legally forfeited to the Kittitas County Sheriff's Office:

- (a) The Supervisor or his/her designee shall determine the disposition of all vehicles legally forfeited to the Kittitas County Sheriff's Office. Such disposition shall be

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determined based on vehicle value, existing security interest, and the needs of the Office.

- (b) The value of the vehicle is the sale price, or if retained, the fair market value of the vehicle at the time of the seizure (RCW 46.61.5058(14)).
- (c) A record of the forfeited vehicle shall be maintained. The record shall indicate the prior owner's information, if known, a description of the vehicle, the disposition of the vehicle, its value at time of seizure and the amount of proceeds realized from disposition of the vehicle (RCW 46.61.5058(8)).
 - 1. Such records shall be maintained for at least seven years (RCW 46.61.5058(9)).
- (d) A copy of the records of all forfeited vehicles shall be filed with the state treasurer each calendar quarter (RCW 46.61.5058(10)).
- (e) By January 31st of each year, ten percent of the net proceeds of vehicles forfeited during the preceding calendar year shall be remitted to the state treasurer (RCW 46.61.5058(12)(13)).

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the deputy shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Patrol Sergeant.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of a deputy shall be requested.

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600.3.3 ARRESTS BY PRIVATE PERSONS

Private persons may make a common law arrest for crimes constituting a breach of the peace or may detain a person under the authority of RCW 9A.16.020 (felonies, retail theft, etc.) Any deputy presented with a private person wishing to make an arrest must determine whether there is probable cause to believe that such an arrest would be lawful.

- (a) Should any deputy determine that there is no probable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 - 1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The deputy must include the basis of such a determination in a related report.
 - 2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever a deputy determines that there is probable cause to believe that a private person's arrest is lawful, the deputy shall take a written statement from the person who has made the arrest. In addition, the deputy may exercise one of the following options:
 - 1. Take the individual into physical custody for booking.
 - 2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. See the Temporary Custody of Juveniles Policy for juvenile requirements.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interview of a juvenile or any custodial interview of an adult suspected of a felony, if the interview is conducted at a detention facility (a jail or any police or sheriff's office), shall be audio and video recorded. The recording shall include any required warnings, advice of the rights of the individual being questioned, and waiver of rights. Consent to the recording is not required, but the deputy shall inform the suspect that they are being recorded (RCW 10.122.030).

A custodial interrogation at any other place shall be recorded by audio means at a minimum (RCW 10.122.030).

Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

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No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Major Crimes Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews.

Supervisors who review and approve criminal investigations shall evaluate:

- (a) Whether custodial interviews are recorded when necessary;
- (b) The quality of custodial interview recordings, whether they comply with the recommendations of this policy, and how they might or should be improved; and
- (c) When a deputy not following these policies and standards should be trained or disciplined.

600.4.2 DOCUMENTATION

If a custodial interrogation occurs without being recorded in its entirety, the deputy shall prepare a written or electronic report explaining the reason and summarize the custodial interrogation process and the individual's statements. This report shall be completed as soon as practicable after completing the interrogation (RCW 10.122.030).

If the custodial interview does not occur in a jail, a police or sheriff's office, a police vehicle or (in the case of juveniles) a school, the deputy shall complete a report as soon as practicable explaining the decision to conduct the interview in that place and summarize the custodial interrogation process and the individual's statements (RCW 10.122.030).

600.4.3 EXCEPTIONS

Exceptions to the recording requirements apply in the following circumstances:

- (a) When spontaneous utterances or statements are made outside the course of a custodial interrogation, or a statement made in response to a question asked routinely during the processing of the arrest of an individual (RCW 10.122.030).
- (b) Exigent circumstances exist that prevent a deputy from electronically recording an interrogation. In those cases, the deputy shall record electronically an explanation of the exigent circumstances before conducting the interrogation, if feasible, or as soon as practicable after the interrogation is completed (RCW 10.122.040).
- (c) The individual indicates a refusal to participate or further participate in the electronic recording. When feasible, the agreement of the individual to participate in the interrogation without recording or further participate should be recorded electronically (RCW 10.122.060).
- (d) The deputy conducting an interrogation has no reason to believe the individual being interrogated committed an act that requires electronic recording of the interrogation (RCW 10.122.080).

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1. If during the interrogation, the individual being interviewed reveals facts and circumstances that give the deputy conducting the interview a reason to believe that an act was committed that requires an electronic recording, the continued interrogation shall be recorded.
- (e) The deputy or the deputy's supervisor reasonably believes the electronic recording would disclose the identity of a confidential informant or jeopardize the safety of the deputy, the individual being interrogated, or another person (RCW 10.122.090).
 1. If feasible and consistent with the safety of a confidential informant, an explanation of the basis for the belief that electronic recording would disclose the informant's identity must be electronically recorded at the time of the interrogation or if not feasible as soon as practicable after the interrogation is completed.
- (f) The equipment malfunctions (RCW 10.122.100).

600.4.4 RECORDING AND PRESERVATION PROTOCOLS

The circumstances in which custodial interviews occur vary widely, as does the availability of recording equipment and facilities. The following are the preferred standards for such recordings and should be followed whenever feasible. When deviations from these standards are necessary, the investigator should document the reasons for deviating. Whatever methods or equipment are used must meet the requirements of RCW 10.122, the Uniform Electronic Recordation of Custodial Interrogations Act, and the requirements of this policy.

1. If a video recording is made, the subject of the custodial interview should be viewed from the front with at least their face and upper body in frame, in focus and adequately lighted.
2. The device or microphone recording sound should be placed near both the subject and the interviewer, without being covered or obstructed. If feasible, the location of the interview should be free of background noises that might make questions or statements difficult to hear or understand.
3. The electronic file in which the recording is preserved should be saved in an approved manner and associated with the investigation case file for preservation and chain of custody.

Unjustified deviation from these standards may be subject to disciplinary action (RCW 10.122.150).

600.4.5 COMPLIANCE RESPONSIBILITY

The Inspector shall be responsible to ensure adequate staffing, education, training and material resources to implement the requirements of the Uniform Electronic Recordation of Custodial Interrogations Act (RCW 10.122.150[2e]).

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

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- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this office. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using office equipment.

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Information obtained via the internet should not be archived or stored in any manner other than office-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any office computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

600.8 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Chief Deputy or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.9 USE OF FACIAL RECOGNITION TECHNOLOGY

If and when this office adopts the use of Facial Recognition Technology, the Major Crimes Unit supervisor shall be responsible for the management of the facial recognition technology (FRT) program (RCW 43.386).

Responsibilities should include but are not limited to:

- (a) Ensuring that office protocols and procedures conform to the office accountability report, current laws, regulations, and best practices.

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- (b) Maintaining and updating the office accountability report.

600.9.1 AUTHORIZATION FOR FRT

Members seeking the use of FRT should make a request to the Chief Deputy or authorized designee.

Upon approval, FRT may be used in accordance with the approved office accountability report (RCW 43.386.020).

600.9.2 USE OF FRT IN SURVEILLANCE

Members shall not use FRT in ongoing surveillance (i.e., the tracking of the movement of a recognized individual through one or more public places over time), to conduct real-time or near real-time identification, or for persistent tracking (i.e., the tracking of the movement of an unrecognized individual if the facial template data is maintained for more than 48 hours or the identification of the individual is possible through links to other databases), unless (RCW 43.386.010; RCW 43.386.080):

- (a) A warrant is obtained that authorizes use.
- (b) Exigent circumstances exist.
- (c) A court order authorizing the use of FRT to locate or identify a missing person or to identify a deceased person has been issued.

600.9.3 RESTRICTIONS ON THE USE OF FRT

Facial recognition service may not be applied (RCW 43.386.080)):

- (a) To any individual based on their religious, political, or social views or activities, participation in a particular noncriminal organization or lawful event, or actual or perceived race, ethnicity, citizenship, place of origin, immigration status, age, disability, gender, gender identity, sexual orientation, or other characteristic protected by law. Profiling is not condoned, including but not limited to predictive law enforcement tools.
- (b) To create a record describing any individual's exercise of rights guaranteed by the First Amendment of the United States Constitution and by Article I, section 5 of the state Constitution.
- (c) As the sole basis to establish probable cause in a criminal investigation.
 - 1. The results of a facial recognition service may be used in conjunction with other information and evidence lawfully obtained by a deputy to establish probable cause in a criminal investigation.
- (d) To identify an individual based on a sketch or other manually produced image.
- (e) To a substantively manipulated image in a manner not consistent with the facial recognition service provider's intended use and training.

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600.9.4 DEMOGRAPHIC DATA REPORTING

The Inspector is responsible for ensuring that demographic data regarding individuals named in surveillance warrant applications is collected, summarized in a report, and submitted to the appropriate legislative authority in January of each year (RCW 43.386.070).

600.9.5 COORDINATION WITH PROSECUTING OFFICE

When a case is submitted for prosecution, deputies shall disclose to the prosecutor in writing any instance in which FRT was utilized in the investigation (RCW 43.386).

600.9.6 DOCUMENTATION

All pertinent records regarding the use of a facial recognition service shall be maintained to facilitate public reporting and auditing of compliance with the Kittitas County Sheriff's Office facial recognition policies (RCW 43.386.070).

600.9.7 TRAINING

The Training Manager should ensure that those members responsible for using FRT or data produced from the use of FRT receive periodic training regarding the Kittitas County Sheriff's Office's policy and FRT-related procedures.

Training shall include the following but not be limited to (RCW 43.386.060):

- (a) The capabilities and limitations of the facial recognition service.
- (b) Procedures to interpret and act on the output of the facial recognition service.
- (c) To the extent applicable to the deployment context, the meaningful human review requirement for decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals.

Asset Forfeiture

601.1 PURPOSE AND SCOPE

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

601.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Kittitas County Sheriff's Office seizes property for forfeiture or when the Kittitas 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) Interest, proceeds, and real or personal property related to organized crime, criminal profiteering, human trafficking, commercial sexual abuse of a minor, or promoting prostitution (RCW 9A.82.100).
- (d) Proceeds traceable to or derived from money laundering (RCW 9A.83.030).
- (e) Property acquired or maintained in relation to commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting prostitution in the first degree, and conveyances used to facilitate these offenses (RCW 9A.88.150).
- (f) Personal property, including money, weapons, and vehicles, 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, including money, weapons, and vehicles, 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).
- (h) Conveyances, including aircraft, vehicles, or vessels, used for the violation of the Uniform Controlled Substances Act and proceeds from these violations (e.g., money, real property) (RCW 69.50.505).
- (i) Boats, vehicles, gear, or other equipment used for poaching/wildlife crimes (RCW 77.15.070).
- (j) Vehicles used to commit the crime of racing (RCW 46.61.748).

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

601.2 POLICY

The Kittitas 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 Kittitas County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

601.3 ASSET SEIZURE

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

601.3.1 PROPERTY SUBJECT TO SEIZURE

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

- (a) Real or personal property subject to forfeiture identified in a court order authorizing seizure.
- (b) Property subject to forfeiture without a court order when the property is lawfully seized incident to an arrest, the service of a search warrant, or the service of an administrative inspection warrant.
- (c) Property subject to forfeiture can also be seized without a court order when:
 - 1. There is probable cause to believe that the property was used or is intended to be used for illegal gambling (RCW 9A.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 or promoting prostitution in the first degree (RCW 9A.88.150).
 - 3. There is probable cause to believe that the property was used or is intended to be used in the commission of any felony (RCW 10.105.010). See also separate statutes regarding seizures for felonies involving commercial metal, "bootlegging," criminal profiteering, or money laundering (RCW 19.290.230; RCW 66.32.020; RCW 9A.82.100; RCW 9A.83.030).
 - 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.

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

601.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Property from an "innocent owner," or a person who had no knowledge of the offense or who did not consent to the property's use.
- (c) No vehicle or other conveyance based on a misdemeanor involving the possession of cannabis (RCW 69.50.505).
- (d) Vehicles/conveyances that would be subject to forfeiture if more than 10 days have elapsed since the owner's arrest and no court order has been issued (RCW 9.46.231; RCW 9A.88.150; RCW 69.50.505).

601.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

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

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

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

The incident report shall clearly describe all property seized together with the methods used to determine who owned the property.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items. A value for each item should be determined or estimated including a description for how that value was arrived at and any supporting documentation (for example, if the seized property is a vehicle, a Kelly blue-book estimate of it's value).

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.

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601.5 MAINTAINING SEIZED PROPERTY

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

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

601.6 FORFEITURE REVIEWER

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

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly those cited in this policy.
- (b) Serving as the liaison between the Office and counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain regular, updated training that includes best practices in pursuing, seizing, and tracking forfeitures.
- (d) Deciding whether a forfeiture is more appropriately made under state or federal forfeiture laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for office use, containing spaces for:
 - 1. Name of the person whose property is being seized, and the name of the deputy conducting the seizure.
 - 2. A space for the signature of the person from whom cash or property is being seized.
 - 3. An affirmation that a copy has been given to the person whose property is being seized, including 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 cover this policy and address any relevant statutory changes and court decisions.

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- (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 intent to seek forfeiture has been given in a timely manner to those who hold an interest in the seized property.
 - 4. Property is promptly released to those entitled to its return.
 - 5. All changes to forfeiture status are forwarded to any deputy who initiates a forfeiture case.
 - 6. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 - 7. 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 Kittitas County Sheriff's Office unless the Sheriff authorizes the retention of the property for official use.
- (l) Addressing any landlord claims for reimbursement through forfeited assets or damage to property (RCW 9.46.231; RCW 69.50.505).
- (m) Compensating victims of commercial metal crimes within 120 days (RCW 19.290.230).

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

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

601.7 DISPOSITION OF PROPERTY

No member of this office may use property that has been seized for forfeiture until the forfeiture action has been completed and the Sheriff or designee has authorized official use of the property. No office member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

Informants

602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Kittitas County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Kittitas County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

602.2 POLICY

The Kittitas 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.

602.3 USE OF INFORMANTS

602.3.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this office should not guarantee absolute safety or confidentiality to an informant.

602.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Sheriff or the authorized designee

602.3.3 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.

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Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

602.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Chief Deputy, Major Crimes Division supervisor or their authorized designees. 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 Deputy Sheriff's deputies, employees or agents of the Kittitas 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 Major Crimes Division 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 Major Crimes Division supervisor. 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.

602.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be 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

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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.

602.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of office members or the reliability of the informant.

Informant files shall be maintained securely within the Major Crimes Division. The Major Crimes Division supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Chief Deputy, Major Crimes Division supervisor or their authorized designees.

602.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant pseudonym or 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

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- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability. 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

602.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Major Crimes Division supervisor will discuss the above factors with the Operations Chief Deputy and recommend the type and level of payment subject to approval by the Sheriff.

602.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a designated buy/expense fund.
 - 1. The Major Crimes Division supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the deputy who will be delivering the payment.
 - 1. The check shall list the case numbers related to and supporting the payment.
 - 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 - 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 - 4. Authorization signatures from the Sheriff and the Board of County Commissioners are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.

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1. The cash transfer form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) Kittitas County Sheriff's Office case number
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
2. The cash transfer form shall be signed by the informant.
3. The cash transfer form will be kept in the informant's file.

602.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

602.6.3 AUDIT OF PAYMENTS

The Major Crimes Division 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 year, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds.

Eyewitness Identification

603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this office employ eyewitness identification techniques.

603.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

603.2 POLICY

The Kittitas County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

603.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

603.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Major Crimes Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

603.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

603.6 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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603.7 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.

603.8 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

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

604.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information - Information known or possessed by the Kittitas County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

604.2 POLICY

The Kittitas 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 Kittitas County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Office will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Office case file.

604.4 DISCLOSURE OF REQUESTED INFORMATION

If a member of this office is a material witness in a criminal case, a person or persons designated by the Sheriff shall examine the personnel file and/or internal affairs file of the deputy to determine

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Brady Material Disclosure

whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and office member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or office counsel should be requested to file a motion in order to initiate an in-camera review by the court.
 - 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Sheriff should periodically examine the personnel files and/or internal affairs files of all deputies who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

604.5 INVESTIGATING BRADY ISSUES

If the Office receives information from any source that a member may have issues of credibility, dishonesty, or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy (RCW 10.93.150).

604.6 TRAINING

Office personnel should receive periodic training on the requirements of this policy.

604.7 BRADY PROCESS

The Inspector shall coordinate requests for *Brady* information. In this capacity the Inspector shall:

- (a) Work with the appropriate prosecutors' offices to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure (RCW 10.93.180).
- (b) Report to the appropriate prosecutor of any jurisdiction where a deputy may testify:

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1. Any act by a deputy that may be potentially exculpatory to a criminal defendant and/or misconduct that a deputy engaged in that affects their credibility within 10 days of discovery of the act by a supervisor.
2. Information about a newly hired deputy with a prior potential impeachment disclosure finding within 10 days of hiring.

Unmanned Aerial System (UAS) Operations

605.1 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.

605.1.1 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.

605.2 POLICY

Unmanned aerial systems may be utilized to enhance the office's mission of protecting lives and property. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

605.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers 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.

605.4 DEPLOYMENT OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

UAS may be utilized to aid in the resolution of incidents of this office or at the request of another agency when the requested use is consistent with this policy and the mission, vision and values of this office. UAS may also be used to perform or record training, for public information and communications purposes, or for events and demonstrations intended to foster positive community relations.

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 protected privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

A UAS should not be flown over populated areas without FAA approval.

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Each deployment of a UAS in connection with any law enforcement incident or investigation of this agency or in assistance to any other agency should be recorded in a running log of UAS deployments that includes:

- The associated incident number and incident type
- The date, time and location of the deployment
- The duration of the deployment
- Whether a warrant was obtained for the deployment
- Whether photographic or video evidence was captured during the deployment
- The name of the Remote Pilot In Charge and of any other person who operated the drone during the deployment

605.5 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

605.6 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule. UAS data transmissions will only go to and be stored on servers under the control of the operator.

This office will not collect, use, retain, or disseminate data in any manner that would violate the First Amendment or discriminate against persons based upon their ethnicity, race, gender, national origin, religion, sexual orientation, or gender identity, in violation of law.

Information collected using UAS that may contain Personal Identifying Information shall not be retained for more than 180 days unless retention of the information is determined to be necessary to an authorized mission of the retaining agency, is maintained in a system of records covered by the Privacy Act, or is required to be retained for a longer period by any other applicable law or regulation.

UAS-collected information that is not maintained in a system of records covered by the Privacy Act shall not be disseminated outside of the agency unless dissemination is required by law, or fulfills an authorized purpose and complies with agency requirements.

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Unmanned Aerial System (UAS) Operations

605.7 COMPLIANCE WITH LAW

Consistent with this office's commitment to the rule of law and protection of privacy and civil liberties, all office use of UAS will comply with all applicable provisions of the Constitution, including the Fourth Amendment's protection against unreasonable searches and seizures, and other laws and regulations, including regulations issued by the FAA. Additionally, personnel may never use UAS to engage in discrimination that runs counter to the office's anti-discrimination policies or other anti-discrimination laws that would violate the First Amendment or in any manner that would discriminate against persons based upon their ethnicity, race, gender, national origin, religion, sexual orientation, or gender identity, in violation of law. Sheriff's Office UAS activities are performed in a manner consistent with the Constitution and applicable laws, Executive Orders, and other Presidential directives.

Sexual Assault Investigations

606.1 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 notification requirements are addressed in the Child Abuse and Adult Abuse policies.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in RCW 9A.44.010 et seq. and RCW 9A.64.020.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

606.2 POLICY

It is the policy of the Kittitas 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.

606.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

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606.4 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Kittcom, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

When feasible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following days based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is founded or 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.

606.4.1 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).

606.4.2 VICTIM PERSONAL REPRESENTATIVE AND ADVOCATE

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, or employee or volunteer from a community sexual assault program or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).

The victim may also choose to consult with a sexual assault survivor's advocate throughout the investigatory process of the case. The assigned investigator should ensure the advocate has access to the victim during the process (RCW 70.125.110).

606.5 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 Major Crimes Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

606.6 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:

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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:
- (a) Interviewing sexual assault victims.
 - (b) SART functions and composition.
 - (c) Medical and legal aspects of sexual assault investigations.
 - (d) Serial crimes investigations.
 - (e) Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - (f) Techniques for communicating with victims to minimize trauma.
 - (g) The course provided by the Washington State Criminal Justice Training Commission on investigating sexual assault and other gender-based violence cases developed pursuant to RCW 43.101.272. Qualified investigators and the Major Crimes Unit supervisor shall complete this course within a year of assignment.
 - (h) Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

606.7 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

606.8 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, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing. Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

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606.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following:

- (a) Sexual assault examination kits shall be submitted to an approved lab within 30 days with a request for testing prioritization when either of the following conditions are met (RCW 5.70.040):
 - 1. A related report or complaint is received by the Office alleging a sexual assault or other crime has occurred and the victim has consented to the submission.
 - 2. The victim is an unemancipated person 17 years or age or younger.
- (b) Facilitate the collection of an unreported sexual assault kit from a collecting entity when this office has jurisdiction to investigate any related criminal allegations (RCW 5.70.030).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

606.8.2 STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM

Members investigating a sexual assault should ensure that biological evidence is tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

606.8.3 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

606.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Major Crimes Unit supervisor.

Classification of a sexual assault case as unfounded requires the Major Crimes Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

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Sexual Assault Investigations

606.10 CASE STATUS NOTIFICATION

The investigator assigned to the case should keep the victim informed of the status of the investigation in a timely manner. The victim should be informed of the expected and appropriate time frames for receiving a response to inquiries made regarding the status of the investigation (RCW 5.70.005; RCW 70.125.110).

The investigator should provide the victim with contact information for the assigned prosecutor, if available, to receive updates related to the prosecution of the case (RCW 70.125.110).

Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this office. 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.

607.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to balance the safety needs of the public, the safety of office members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 COMMAND

The assigned command (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 assigned command will direct coordination 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.

607.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

607.5 ARREST WARRANTS

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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607.6 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.
 - 1. A deputy shall not seek a no-knock warrant (RCW 10.31.040).
- (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).

607.7 HIGH-RISK WARRANT SERVICE

The Sheriff, a Chief Deputy, or authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded when announcing to everyone present that the conversation is going to be recorded and said announcement is recorded except if allowed by the warrant (RCW 9.73.030).
- (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.

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- (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.

607.8 REQUIREMENT TO KNOCK AND ANNOUNCE

In serving a search warrant on any building, deputies must announce their office and purpose prior to making entry.

A deputy may not seek and a court may not issue a search warrant granting an exception to the requirement to "knock and announce" (RCW 10.31.040).

607.9 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.

607.10 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.

607.11 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Chief Operations Deputy will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members

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- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Chief Operations Deputy, who should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Team Commander should ensure that members of the Kittitas County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Kittitas County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the Chief Operations Deputy is unavailable, another commissioned Command staff member or the Patrol Sergeant should assume this role.

If deputies intend to serve a warrant outside Kittitas County Sheriff's Office jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the Kittitas County Sheriff's Office when assisting outside agencies or serving a warrant outside Kittitas County Sheriff's Office jurisdiction.

607.12 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.

607.13 TRAINING

The Training Manager should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

607.14 NO-KNOCK ENTRIES

No-knock entries are only authorized if exigent circumstances arise at the scene such that knocking and announcing the deputy's presence would create an imminent threat of physical violence to the deputy or another person.

Operations Planning and Deconfliction

608.1 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.

608.1.1 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.

608.2 POLICY

It is the policy of the Kittitas 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.

608.3 OPERATIONS DIRECTOR

The Sheriff will designate a member of this office to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT FORM PREPARATION

Deputies assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the deputy should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the deputy should also submit information to these resources.

The deputy should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to deputies and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.4.2 RISK ASSESSMENT REVIEW

Deputies will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the person in command.

The supervisor and person in command 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.

608.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - 1. Special Response Team (TRT)
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment
 - 5. Medical personnel
 - 6. Persons trained in negotiation
 - 7. Additional surveillance

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8. Canines
 9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
 10. Forensic specialists
 11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate office members or other agencies as warranted to begin preparation.
 - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
 - (d) Coordinate the actual operation.

608.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The deputy who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The deputy should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.6 OPERATIONS PLAN

The person in command should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
- 3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
- 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
 - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
 - 1. An adequate number of uniformed deputies should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 - 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control Procedures policies.
- (k) Communications plan
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

608.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The person in command shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by for deputies who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the operations director to ensure that Kittcom is notified of the time and location of the operation, and to provide a copy of the operation plan prior to deputies arriving at the location.
 - 2. If the radio channel needs to be monitored by Kittcom, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 TRT PARTICIPATION

If the operations director determines that TRT participation is appropriate, the director and the TRT supervisor shall work together to develop a written plan. The TRT 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 TRT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the deputies present.

608.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

608.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any TRT debriefing.

608.11 TRAINING

The Training Manager should ensure deputies and TRT team members who participate in operations subject to this policy should receive periodic training including, but not limited to,

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topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Chapter 7 - Equipment

Kittitas County Owned and Personal Property

700.1 PURPOSE AND SCOPE

Office employees are expected to properly care for office property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or office property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF OFFICE PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of office property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of office 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 office-issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable office property should be discontinued as soon as practical and replaced with comparable Office property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, office 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) Office property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Office property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Chief Deputy, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff who will then forward the claim to the Finance Department.

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The Office 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.

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 Command staff.

700.5 SUPERVISORS RESPONSIBILITIES

Supervisors should survey damages, take photographs, and interview involved parties and witnesses. Supervisors will then forward all findings to command staff through the Administrative Assistant to the Sheriff.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs) wireless capable tablets and similar wireless two-way communications and/or portable internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the internet.

701.2 POLICY

The Kittitas County Sheriff's Office allows members to utilize office-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Office, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.4 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.

The quartermaster will be responsible to order PCDs and maintain vendor accounts. If a PCD is lost, damaged or stolen, the deputy will immediately notify their supervisor. The deputy will fill out a lost or damaged property form. Upon supervisor approval the deputy will coordinate through

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the quartermaster for immediate replacement. Once the new device is replaced, the deputy will coordinate with the Law Enforcement Technologist and County IT to configure the device.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The 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) or as otherwise authorized by office procedures.
 - 1. Use of a personally owned PCD for work-related business constitutes consent for the Office to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
 - 2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
 - 3. Searches of a personally owned PCD by the Office should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any office 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 or appointment with the Office, without the express authorization of the Sheriff or the authorized designee.
- (f) 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, and other public records created or received on a member's personally owned PCD should be transferred to the Kittitas 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 their 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

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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 recordkeeping.

701.6 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 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.
- (b) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible.
- (c) Members are prohibited from taking pictures or making audio or video recordings related to Sheriff's Office business, 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.
- (d) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 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.

701.8 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 RCW 46.61.672. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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701.9 SECURITY AND OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other office communications network. Members are responsible for protecting Office Issued PCDs from theft, loss or damage.

- (a) All Office Issued PCDs will have a Mobile Device Management software installed. This software will have the ability to monitor PCDs activity and have a remote wipe capabilities. Members must immediately report virus or malicious software detection, or possible security violations to IT.
- (b) You must immediately report lost or stolen devices to your supervisor. The PCDs will be immediately remotely wiped.
- (c) Password protection must be enabled on all Office Issued PCDs and required to lock after 15 minutes of inactivity.

Vehicle Maintenance

702.1 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.

702.2 DEFECTIVE VEHICLES

When a 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.

702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, 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.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all office vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- Barricade or Crime Scene tape
- First aid kit
- Fingerprint kit
- Fire extinguisher
- Wheel lug nut wrench
- Jumper cables or jump box

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- Tire chains or socks (seasonally)
- Shovel for snow (seasonally)
- Blanket
- Biohazard pickup kit
- Tyvek suit
- Rubber/vinyl gloves
- Hand sanitizer
- Eye protection
- Protective shoe covers
- N-95 particulate-filtering mask
- Reflective hi-viz traffic vest
- If issued, respiratory equipment per policy 704 PERSONAL PROTECTIVE EQUIPMENT (e.g., SRT gas masks)

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Vehicles should only be refueled at an authorized location except in emergencies.

702.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of such matter.

702.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before using the vehicle. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure office vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of office vehicles and shall not be construed to create or imply any contractual obligation by the County of Kittitas to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

703.2 POLICY

The Kittitas County Sheriff's Office provides vehicles for office-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SUPERVISOR RESPONSIBILITIES

Supervisors will inspect each squad members vehicle at least quarterly. During this inspection the supervisor will also inspect select inventory items. At the completion of the fourth quarter all inventory items will have been inspected. These inspections will be documented and maintained in the members doc file.

Any inventory items deemed not fit for duty use shall be reported to command staff for a disposition of repair or replacement.

703.3.2 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 shift. Any previously unreported damage, mechanical problems, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle used to transport any person other than a member of this office should be inspected prior to placing the person in the vehicle and again after the person is removed, to ensure unauthorized or personal items have not been left in the vehicle.

All office vehicles are subject to a supervisor's inspection and/or search at any time without notice and without cause. No member assigned to or operating an office vehicle is entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.3 MOBILE DIGITAL COMPUTER

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the MDC of an equipped vehicle is not

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working as normal, the member shall notify Kittcom. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

703.3.4 KEYS

Members who are assigned a specific vehicle should be issued keys for that vehicle. Members shall not duplicate keys. The loss of a key shall be promptly reported through the member's chain of command and to the quartermaster.

703.3.5 AUTHORIZED PASSENGERS

Office vehicles shall not be used transport persons other than County personnel or persons required to be transported in the course of duty except with the specific approval of a supervisor.

703.3.6 ALCOHOL

Members who have consumed alcohol within eight hours are prohibited from operating any office vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.7 PARKING

Except when responding to an emergency or when urgent-related business requires otherwise, members driving county vehicles should obey all parking regulations at all times.

703.3.8 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any vehicle equipment or accessories without permission from the Division Chief.

703.3.9 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 TOLL ROAD USAGE

Authorized on-duty emergency vehicles are exempt from incurring toll road charges. An authorized emergency vehicle is an on-duty vehicle of the Office which is equipped with emergency lights and siren and used to respond to emergency calls (WAC 468-270-030; WAC 468-270-085; WAC 468-270-105).

To avoid unnecessary toll road charges, all members operating office vehicles on a toll road shall adhere to the following:

- (a) Members operating office vehicles that are not authorized emergency vehicles shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.

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- (b) Members in unauthorized vehicles passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Chief Deputy within five working days explaining the circumstances.

703.5 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.

Personal Protective Equipment

704.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Office as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

704.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

704.2 POLICY

The Kittitas County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

704.3 DEPUTY RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Accident, Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

704.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in WAC 296-817-200.

704.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in WAC 296-800-16050.

704.6 HEAD AND BODY PROTECTION

Members who are working a control crowd detail should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided if available.

704.7 RESPIRATORY PROTECTION

The Emergency Manager is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (WAC 296-842-12005):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

704.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (WAC 296-842-18010):

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- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.
- (d) The member needs to readjust his/her respirator.
- (e) The member becomes ill.
- (f) The member experiences sensations of dizziness, nausea, weakness, breathing difficulty, coughing, sneezing, vomiting, fever or chills.

704.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (WAC 296-842-18005):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per office-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

704.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances:

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

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- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

704.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

704.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (WAC 296-842-15005).

After initial testing, fit testing for respiratory PPE shall be repeated (WAC 296-842-15005):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).
- (d) Whenever there is an indication that the respirator fit is unacceptable.

All respirator fit testing shall be conducted in negative-pressure mode.

704.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (WAC 296-842-14005; WAC 296-842-22005):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

704.8 RECORDS

The Training Manager is responsible for maintaining records of all:

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- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.
- (e) These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the office records retention schedule and WAC 296-842-12010.

704.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (WAC 296-800-16025).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (WAC 296-842-16005).

Chapter 8 - Support Services

Property and Evidence

800.1 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.

800.2 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.

800.3 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.

800.3.1 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 or entry into the Spillman Module describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Each item of property or evidence shall be related to an incident report describing the circumstances of the seizure or custody of the item.
- (c) 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.

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- (d) The original property form shall be submitted with the evidence unless entered into Spillman evidence module. A bar coded tag will be placed on the property packing and shall be placed with the property in the temporary property locker.
- (e) When the property is too large to be placed in a locker, the item may be retained in the evidence room. If the item needs additional security, the deputy should request the access be limited by the Admin. Sergeant or the IT tech of the Sheriff's Office.

800.3.2 NARCOTICS AND DANGEROUS DRUGS

Narcotics and dangerous drugs in evidence shall be weighed using a calibrated scale whenever they leave or re-enter the secured facility unless the narcotics or dangerous drugs are being prepared for destruction. These weights shall be entered in Spillman along with the change of custody and location.

800.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Patrol Sergeant. The Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling, and disposal of all suspected explosives.

Explosives will not be retained in the Deputy Sheriff's facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property and evidence technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

800.3.4 EXCEPTIONAL HANDLING

Certain property items require separate or additional processes. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the property and evidence technician, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property and evidence technician, or placed in the bicycle storage area until a property and evidence technician can log the property.
- (d) Cash in any amount over \$25.00 shall be counted in the presence of a second deputy and the envelope initialed by both the primary deputy and the second deputy. A supervisor shall witness the counting of cash in excess of \$1,000.
- (e) All firearms bearing serial numbers that are taken into custody shall be checked against NCIC records for lost and stolen firearms by the deputy who enters them into

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evidence. The results of the check shall be documented in the property record as directed by the lead evidence technician.

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.

800.3.5 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the Office is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the assigned deputy, detective, or the 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 the Asset Forfeiture Policy.

800.3.6 STORAGE OF SURRENDERED FIREARMS

Deputies shall accept and store a firearm from any individual who has surrendered firearms under RCW 9.41.800 (Surrender of weapons), the Extreme Risk Protection Order Act, after being detained under RCW 71.05.150 or RCW 71.05.153, or after sentencing pursuant to RCW 10.99.100. The deputy receiving the firearm shall:

- (a) Record the individual's name, address, and telephone number.
- (b) Record the firearm's serial number.
- (c) Record the date that the firearm was accepted for storage.
- (d) Prepare a property receipt form and provide a copy to the individual who surrendered the firearm.
 1. If the firearm was surrendered pursuant to the Extreme Risk Protection Order Act, the original receipt should be forwarded promptly to the Administrative Chief Deputy for timely filing with the court (RCW 7.105.340).

The property and evidence technician shall handle and store firearms surrendered pursuant to a civil protection order to prevent damage or degradation in appearance or function and document the condition of the surrendered firearms including by taking a digital photograph (RCW 7.105.340).

800.3.7 FOUND PROPERTY

Found property surrendered to the Office shall be handled as required by RCW 63.21.050.

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800.4 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.

800.4.1 PACKAGING CONTAINER

Employees shall package all property in a suitable container for its size and type. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A completed barcode tag shall be securely attached to the outside of each item.

800.4.2 PACKAGING NARCOTICS

The deputy seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly packaged, weighed, tagged, and placed in the temporary locker. Prior to packaging and if the quantity allows, a presumptive test may be made on suspected narcotics if appropriate. If conducted, the results of this test shall be included in the deputy's report.

Narcotics and dangerous drugs shall be packaged in a plastic bag or other suitable container of appropriate size, sealed with evidence tape, with the seal initialed by the booking deputy. A completed barcode tag shall be attached to the outside of the package. Drug evidence shall be weighed on a calibrated scale; the weight should include all packaging, labels and seals. This weight shall be:

- (a) written on the outside of the package and initialed by the deputy booking the evidence; and
- (b) entered into the Spillman evidence record.

Narcotics and dangerous drugs shall not be packaged with other property.

800.5 RECORDING OF PROPERTY

The property and evidence technician receiving custody of evidence or property shall document the date and time the property was received and where the property will be stored in the Spillman evidence module. Any changes in the location of property held by the Kittitas County Sheriff's Office shall be noted in Spillman evidence module.

800.6 PROPERTY CONTROL

Each time the property and evidence technician receives property or releases property to another person, he/she shall enter this information in the Spillman evidence module and on the property record if used. Deputies desiring property for court shall contact the property and evidence technician at least one week prior to the court day.

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800.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the Spillman evidence module shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from the court or the case deputy.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property and evidence technician. This request may be filled out any time after booking of the property or evidence.

800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in Spillman and the request for laboratory analysis.

The property and evidence technician releasing the evidence must complete the required information in the Spillman evidence module. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the deputy will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

800.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be noted in the Spillman module, 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, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property shall also be recorded in the Spillman evidence module, indicating date, time, and the person who returned the property.

800.6.4 AUTHORITY TO RELEASE PROPERTY

The Evidence Tech shall authorize the disposition or release of all evidence and property coming into the care and custody of this office.

800.6.5 RELEASE OF PROPERTY

The Kittitas County Sheriff's Office shall make every effort to return personal property that is in the possession of this office when such property is not considered evidence of a crime or is no longer needed as evidence. In such cases, the property and evidence technician shall make a reasonable attempt to identify the lawful owner and provide written notice via US Mail within 15 days after the property is authorized to be released.

If the property remains unclaimed beyond sixty days after the initial written notice to the property owner, or, in the case of property held as evidence, sixty days from the date when the case has

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been finally adjudicated and the property has been released as evidence by order of the court, the Office may (RCW 63.32.010; RCW 63.40.010):

- (a) At any time thereafter sell the property at public auction to the highest and best bidder for cash. The disposition of all proceeds from such auctions shall be accounted for and recorded according to law (RCW 63.32.030; RCW 63.40.030).
- (b) Retain the property for the use of the Office subject to giving notice in the manner prescribed in RCW 63.32.020 or RCW 63.40.020 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the Sheriff, the property consists of firearms or other items specifically usable in law enforcement work, provided that at the end of each calendar year during which there has been such a retention, the Office shall provide the County's elected body and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2).
- (c) Destroy an item of personal property at the discretion of the Sheriff if the Sheriff determines that all of 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
 - 2. The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section
 - 3. The Sheriff has determined that the item is unsafe and unable to be made safe for use by any member of the general public.

If the item is not unsafe or illegal to possess or sell, it may, after satisfying the notice requirements as prescribed in RCW 63.32.020 or RCW 63.40.020, be offered by the Sheriff to bona fide dealers, in trade for law enforcement equipment. Such equipment shall be treated as retained property for the purpose of annual listing requirements of the RCW. Such items may be destroyed at the discretion of the Sheriff if the Sheriff believes that it has been, or may be used in a manner that is illegal (RCW 63.32.010; RCW 63.40.010).

The 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 property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

800.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

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All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Office may wish to file an interpleader to resolve the disputed claim.

800.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Evidence Technician will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this office.

The property and evidence technician shall complete a visual inspection to detect possible tampering for any narcotic or dangerous drug prior to destruction. The inspection shall be witnessed by another member who does not have access to the evidence room.

When dangerous drugs or narcotics are removed from evidence for destruction, random samples shall be weighed to ensure the integrity of the packages. The person assisting the evidence technician and witnessing the destruction of the drugs shall also witness these random weight confirmations.

800.6.8 PROPERTY DEPICTING A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT

No property or material that depicts a minor engaged in sexually explicit conduct shall be copied, photographed, or duplicated. Such material shall remain under the control of this office or the court and shall be made reasonably available for inspection by the parties to a criminal proceeding involving the material. The defendant may only view these materials while in the presence of his/her attorney or an individual appointed by the court either at this office or a neutral facility as approved by the court (RCW 9.68A.170). Any request for inspecting such material should be brought to the attention of the assigned investigator or an investigation supervisor.

800.6.9 DESTRUCTION OF NARCOTICS OR CONTRABAND

The Major Crimes Chief Deputy or the authorized designee shall establish procedures for the safe destruction of narcotics and dangerous drugs, contraband, and other illegal items. Documentation of destruction shall be maintained in accordance with the established records retention schedule.

800.7 DISPOSITION OF PROPERTY

All personal property, other than vehicles governed by Chapter 46.52 RCW, not held for evidence in a pending criminal investigation or proceeding, and held for 60 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property and evidence technician should request a disposition or status on all property which has been held in excess of 60 days, and for which no disposition has been received from a supervisor or detective (RCW 63.32.010; RCW 63.40.010).

800.7.1 BIOLOGICAL EVIDENCE

The property and evidence technician shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney

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- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The MCU supervisor

Biological evidence shall be retained for a minimum period established by Washington law (RCW 5.70.010) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Major Crimes Chief Deputy.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor's office.

Biological evidence from an unsolved crime shall not be disposed of prior to expiration of the statute of limitations (RCW 5.70.010). Even after expiration of the applicable statute of limitations, the Major Crimes Chief Deputy should be consulted.

800.7.2 RETURN OF FIREARMS

Prior to the return of a privately owned firearm, the property and evidence technician shall ensure confirmation of the following (RCW 9.41.345):

- (a) The individual to whom the firearm is to be returned is the individual from whom the firearm was obtained, an authorized representative of the individual, or other person identified by a court order
- (b) The individual is eligible to possess a firearm pursuant to RCW 9.41.080
- (c) The firearm is not required to be held in custody or prohibited from release
- (d) Five business days have elapsed from the time the firearm was obtained by law enforcement

If a firearm or dangerous weapon was surrendered or lawfully seized pursuant to a protection order issued under RCW 9.41.800 and is to be returned to a person other than the individual from whom the firearm or dangerous weapon was obtained, the property and evidence technician shall determine that the person is the lawful owner and obtain a written agreement, signed by the lawful owner under the penalty of perjury, that the firearm or dangerous weapon will be stored in a manner to prevent the individual from whom the firearm or dangerous weapon was obtained, from accessing, controlling, or possessing the firearm or dangerous weapon (RCW 9.41.801).

If a firearm is to be returned or transferred to a person who is not a Washington State resident, the transfer must occur either through an FFL or by delivering it to the local law enforcement agency in their place of residency for transfer. This requirement holds even if the non-resident is in Washington State at the time of the transfer (18 USC sec 922[a][5]).

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Upon confirmation that the individual is eligible to possess a firearm and any applicable notifications are complete, the firearm shall be released to the individual or authorized representative upon request without unnecessary delay.

If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from release, written notice shall be provided to the individual within five business days of the date the individual requested return of the firearm. The written notice shall include the reason the firearm must remain in custody.

800.7.3 RELEASE OF FIREARMS IN EXTREME RISK PROTECTION ORDER MATTERS

If an extreme risk protection order is terminated or expires without renewal, a firearm taken or surrendered pursuant to the order shall be returned to the person after (RCW 7.105.345):

- (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 the individual agrees to store the firearm in a manner that prevents the restrained person from access (RCW 7.105.340).

800.7.4 SEXUAL ASSAULT KITS

Upon written request from the victim of a sexual assault, the Office shall (RCW 70.125.110):

- (a) Provide written notification at least 60 days prior to the destruction or disposal of a sexual assault kit.
- (b) Preserve a sexual assault kit or its contents without charge.

Unreported sexual assault kits shall be stored and preserved for 20 years from the date of collection (RCW 5.70.030).

800.7.5 RELEASE OF FIREARMS AFTER EMERGENCY DETENTION

Firearms surrendered pursuant to RCW 71.05.182 (surrender of firearms after emergency detention) shall be returned in compliance with the provisions of RCW 9.41.345 as long as the six-month suspension period has expired or the person's right to possess firearms has been restored, whichever is sooner (RCW 71.05.182).

800.7.6 NOTIFICATION FOR FIREARM RETURN

If notification has been requested or is required pursuant to RCW 9.41.340, it shall be made to the following individuals by established office protocols within one business day of verification that the firearm is eligible to be returned (RCW 9.41.340):

- (a) To a family or household member, or an intimate partner who has requested notification.

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- (b) To any person identified in a no-contact order, restraining order, protection order, or any identified victim of the crime that resulted in the firearm surrender.

Once notification is made, the firearm shall be held for five business days from the time notification has been provided or the information has been entered into the appropriate databases (RCW 9.41.345).

800.7.7 REPORT OF CLEARED PROPERTY

The property and evidence technician shall provide an annual written report to the Sheriff on the number of items cleared (e.g., released, returned, disposed of, otherwise removed from the control of the Property and Evidence Section) during the prior year.

800.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff. These inspections should confirm and document compliance or non-compliance with laws, policies and directives concerning facility access, access logs and control devices, controls for items in enhanced security areas (such as guns, drugs and cash) and procedures for disposing of property and evidence.
- (b) An annual audit of evidence held by the office shall be conducted by a Command Staff member (as appointed by the Sheriff) who is not routinely or directly connected with evidence control. The audit shall include a minimum of 50 items or 5% of all property and evidence items, whichever is less. The audit shall include:
 - 1. Randomly selecting items in the secure evidence storage area and tracing the items back through the case files to verify the documentation and secure chain of custody for the items;
 - 2. Randomly selecting items listed as evidence in case files and ensuring the proper documentation, location and packaging of those items; and
 - 3. Randomly selecting closed or inactive files, tracing the items through the evidence and property system to verify the final disposition of the item.
 - 4. The audit shall include an examination of the cleanliness and inventory level of the property and evidence facility; compliance with packaging and safety requirements; and the accurate, legal and timely disposition of property.
 - 5. The audit shall specifically include items from any enhanced security portions of the facility where items such as guns, drugs and cash are stored.
- (c) Additional audits may occur at any time as directed by the Sheriff.
- (d) Whenever a change of the Sheriff occurs an inventory of all evidence/property shall be made to ensure that records are correct and all evidence property is accounted for. The Sheriff may direct a complete inventory of all evidence/property in lieu of a normal annual audit at his or her discretion.
- (e) Whenever a change of the property room manager occurs an inventory of all drugs, money, jewelry, and firearms shall be made.

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800.8.1 PROPERTY AND EVIDENCE SECTION SECURITY

Access to the Kittitas County Sheriff's Office Property and Evidence Section is restricted to authorized office personnel only. It shall be the responsibility of the property and evidence technician to control all access to the Property and Evidence Section.

The property and evidence technician shall maintain a log of all persons entering the secured area of the Property and Evidence Section. Personnel, other than those assigned to the Property and Evidence Section, who have legitimate business in the secured area will be required to record their name, the date, time, and purpose for entry.

800.8.2 COMMAND RESPONSIBILITIES

Command staff shall provide a security door report to the evidence clerk within 24 hours of any attempted or completed entries and or alarm trips.

800.9 INMATE PROPERTY

The receipt, storage, returns and disposal of inmate personal property is governed by WAC 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 jail staff.

Personal property exceptions:

- (a) Weapons will be booked as property for safekeeping
- (b) Items illegal to possess will be booked as evidence.
- (c) 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 as property for safekeeping.

800.10 STATE CRIME LAB GUIDELINES

In addition to the content outlined in this policy, the Office shall follow the Washington State Patrol Crime Lab guidelines for the proper collection and identification of evidence and property.

Records Section

801.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Kittitas County Sheriff's Office Records Section. The policy addresses office file access and internal requests for case reports.

801.2 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a Deputy Sheriff's office case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section accessible only by authorized members of the Records Section.

The Records Section will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

801.2.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting office member shall first obtain authorization from the Administrative Administrative Chief Deputy. All original case reports removed from the Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

801.2.2 RECORDS CONCERNING JUVENILES

The Administrative Chief Deputy 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 Administrative Chief Deputy shall ensure that all records pertaining to that juvenile are destroyed within 30 days.

801.3 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

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and the Washington Crime Information Center (WACIC). There are specific requirements for agencies accessing the information in the group of computer systems in ACCESS.

801.3.1 ACCESS USE REQUIREMENTS

No member of the Kittitas County Sheriff's Office shall operate any of the ACCESS systems without first complying with the training requirements as listed in the ACCESS manual.

801.3.2 ACCESS REQUIREMENTS

As an authorized ACCESS user, the Kittitas 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 Inspector to ensure that all ACCESS computer and network security requirements are in place and operational.

801.3.3 ACCESS USER RESPONSIBILITY

All Access users with attend an ACCESS certification class. All ACCESS users will maintain their certification during their employment with the Kittitas County Sheriff's Office. Violation of ACCESS policy or failure to maintain certification could subject the member to disciplinary action.

801.4 OFFICER SAFETY ADVISORIES

A Violent Person File (VPF) database is maintained by the 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 ACCESS 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 (ACCESS Operations Manual Chapter 33-3 II, C):

- (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 the 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 the authorized designee.

Once approved, the Records Section is responsible for making the appropriate entry into ACCESS.

Whenever an Officer Safety Advisory is initiated by the Kittitas County Sheriff's Office, it is the responsibility of the Administrative Chief Deputy 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.

801.5 COURT ORDERS

The Administrative Chief Deputy 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 Administrative Chief Deputy shall see that the order is removed from the applicable system (RCW 9A.40.102; RCW 9A.40.104; RCW 9A.40.106).

The Administrative Chief Deputy should ensure that court orders for the surrender and prohibition of weapons and the revocation of any concealed pistol license are immediately entered into the appropriate databases (RCW 9.41.800).

801.6 RESPONSIBILITIES

801.6.1 ADMINISTRATIVE CHIEF DEPUTY

The Sheriff shall appoint and delegate certain responsibilities to a Administrative Chief Deputy. The responsibilities of the Administrative Chief Deputy include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Section.
- (b) Scheduling and maintaining Records Section time records.
- (c) Supervising, training, and evaluating Records Section staff.
- (d) Maintaining and updating Records Section procedures.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).

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- (g) Establishing security and access protocols for case reports designated as sensitive where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
 - 1. Homicides
 - 2. Cases involving office members or public officials.
 - 3. Any case where restricted access is prudent

801.6.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

- (a) Maintaining a records management system for case reports.
 - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Office with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Providing UCR/NIBRS reports to the Washington Association of Sheriffs and Police Chiefs on a regular basis.
- (h) Entering the required information, to the extent known, in the National Crime Information Center (NCIC) database for any report of a lost or stolen firearm (Chapter 286, § 1, 2024 Laws).

801.7 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and established Records Section procedures.

Records Maintenance and Release

802.1 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.

802.2 POLICY

The Kittitas 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.).

802.3 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).
- (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).

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802.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any Sheriff's Office member who receives a request for records shall route the request to the Public Records Officer or the authorized designee for entry into the GovQA system.

802.4.1 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 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.

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802.4.2 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).

802.5 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 a member of any profession where nondisclosure is essential for effective law enforcement or for the protection of any person's right to privacy (RCW 42.56.240).
- (d) Victim and witness information revealing the identity of persons who file complaints if disclosure would endanger the person's life, physical safety, or property (RCW 42.56.240).
- (e) Child victim and witness identity information including name, address, recordings, and photographs (RCW 7.69A.030; RCW 42.56.240).
- (f) Concealed pistol license applications or information on the applications unless release is to law enforcement or corrections agencies under RCW 9.41.070.
- (g) Information revealing the specific descriptive details, identity, or contact information of a child victim of sexual assault or commercial sexual exploitation who is 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, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and usernames and passwords (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.).
- (j) Traffic collision reports except for what is authorized by RCW 46.52.080 and RCW 46.52.083.

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- (k) Preliminary drafts, notes, recommendations, or intra-agency memorandums in which opinions are expressed, or policies formulated, or recommended (RCW 42.56.280).
- (l) Records that are relevant to a controversy (threatened, actual, or completed litigation) to which the Office is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).
- (m) Security records including but not limited to records relating to preparing and responding to criminal terrorist acts; vulnerability assessments and emergency and escape plans of secured facilities; information regarding infrastructure and security of computer and telecommunications networks; system security and emergency preparedness plans; and as further defined in RCW 42.56.420.
- (n) Global positioning system data that indicates the location of a member's residence or of a public employee or volunteer (RCW 42.56.240; RCW 42.56.250).
- (o) Information contained in a local, regional, or statewide gang database (RCW 42.56.240).
- (p) Body worn camera recordings that violate a person's right to privacy (RCW 42.56.240)
- (q) Personal identifying information, or information regarding citizenship or immigration status, of any victim of criminal activity or trafficking who is requesting certification for a U or T visa, except where allowed by law (RCW 7.98.020).
- (r) Personal identifying information about an individual's religious beliefs, practices, or affiliation (RCW 42.56.235).
- (s) Investigative records compiled by the Office regarding possible unfair practices of discrimination under RCW 49.60.010 et seq. or possible violation of other federal, state, or local laws or Kittitas County Sheriff's Office internal policies during an active and ongoing investigation (RCW 42.56.250).
 - 1. Records may be released upon completion of the investigation as allowed under RCW 42.56.250.
- (t) Any other information that may be appropriately denied by Washington law.

802.6 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, County Prosecutor 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.

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802.7 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.

802.8 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 or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

802.9 SECURITY BREACHES

Members who become aware that any Kittitas 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:

- (a) An individual's first name or first initial and last name in combination with any one or more of the following:
 - 1. Social Security number or the last four digits of the Social Security number
 - 2. Driver license number or Washington identification card number
 - 3. 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
 - 4. Any data elements listed in RCW 42.56.590 (e.g., date of birth, health insurance policy number, biometric data, email address, password)
- (b) Any of the data elements listed above without the individual's first and last name if the data elements would enable a person to commit identity theft or if encryption, redaction, or other methods have not safeguarded the data element (RCW 42.56.590).

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).

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802.10 TRAINING

The Public Records Officer shall complete a training program consistent with the Attorney General's model rules within 90 days of assuming responsibilities for public records and complete refresher training as required (RCW 42.56.152).

Protected Information

803.1 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 Kittitas 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.

803.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Kittitas 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.

803.2 POLICY

Members of the Kittitas 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.

803.3 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Kittitas 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. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

803.3.1 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.

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Protected Information

803.4 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 Administrative Assistant to the Sheriff for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by this 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 Section 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 agency members or the public is at risk.

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

803.4.1 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.

803.5 SECURITY OF PROTECTED INFORMATION

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).

803.6 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.

803.7 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).

OPERATIONAL LOGISTICS AND SUPPORT

804.1 POLICY

The Sheriff or their designee may order and direct reasonable and necessary logistical support to sustain and support the operations of this office. This includes but is not limited to the supply of meals and other logistical requirements during extended investigations, tactical incidents, searches and emergencies, declared or other.

CJIS Access, Maintenance, and Security

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of office systems that access Criminal Justice Information.

805.1.1 DEFINITIONS

Definitions related to this policy include:

ACCESS (A Centralized Computerized Enforcement Service System)- The statewide law enforcement telecommunications system, administered by the Washington State Patrol, that links law enforcement and criminal justice agencies to CJI provided the FBI and other state and local agencies.

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within office systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

TAC (Terminal Agency Coordinator) - The representative of an ACCESS end user agency who administers agency compliance with CJIS security policies and practices.

805.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to maintain the security, confidentiality, and integrity of its information systems that access CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

805.3 TAC

The Sheriff shall appoint a TAC, who shall be responsible for the Kittitas County Sheriff's Office's adherence to FBI CJIS Security Policy requirements.

The TAC shall establish procedures necessary to govern the office's use, maintenance, and security of systems that access CJI as described in this policy.

The Sheriff may appoint an assistant TAC to aid the TAC in fulfilling these responsibilities.

805.3.1 TAC RESPONSIBILITIES

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

- (a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain office compliance with FBI CJIS Security Policy requirements and the Washington State Patrol Criminal Records Division.
- (b) Managing member accounts with access to CJI, including:

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1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
 2. Configuring member accounts in accordance with federal and state requirements.
 3. Reviewing member accounts for compliance with legal and policy requirements at least annually.
- (c) Implementing and carrying out the office Incident Response Plan, including:
1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
 2. Making the appropriate notifications outside of the Office (see the Records Maintenance and Release Policy for additional guidance).
 3. Providing information on security incidents to any third-party software developers or vendors as appropriate.
- (d) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.
- (e) Developing and updating office information security and privacy literacy training and incident response training as required by policy.
- (f) Reviewing policy and procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Sheriff.

805.4 MEMBER RESPONSIBILITIES

All members of the Office shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

805.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the TAC when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

805.6 MEMBER ACCOUNTS

Office accounts used to access CJI shall only be created upon approval of the Sheriff or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

- (a) The account has expired.

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- (b) The account is no longer associated with a member.
- (c) The account is found to be in violation of this policy.
- (d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the TAC or designated member shall disable the account.

805.6.1 ACCOUNT REVIEW ACTIVITIES

At least annually, the TAC shall review member accounts for compliance with policy and applicable laws. The TAC shall validate account privileges and remove or reassign them as necessary to accurately reflect the office mission and law enforcement needs.

805.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on office systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

805.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from office control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

805.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of office CJI systems shall be protected through the implementation of appropriate controls such as:

- (a) Flaw remediation.
- (b) System monitoring.
- (c) Security alerts, advisories, and directives.
- (d) Software, firmware, and information integrity controls.
- (e) Spam protection.

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805.9 INCIDENT RESPONSE PLAN

[Insert your agency's Incident Response Plan consistent with CJIS 5.3 IR-4, IR-7, and IR-8 – see the Guide Sheet for additional guidance.]

805.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

805.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI may result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

Chapter 9 - Custody

Custodial Searches

900.1 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 Kittitas 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.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

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

900.1.1 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.

900.2 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.

900.3 SEARCHES AT DEPUTY SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Kittitas 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.

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900.3.1 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 Kittitas County Sheriff's Office identification number and information regarding how and when the property may be released.

900.3.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The office member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.4 STRIP SEARCHES

No individual in temporary custody at any Kittitas 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).

900.4.1 STRIP SEARCH PROCEDURES

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

- (a) Written authorization from the Patrol Sergeant 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 Patrol Sergeant.
 - 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).

900.4.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Patrol Sergeant authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Patrol Sergeant authorization does not need to be in writing.

900.4.3 RESTRICTIONS

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

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900.5 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 Patrol Sergeant and only upon a search warrant. Authorization may be obtained electronically (RCW 10.79.080). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a qualified physician, registered nurse or physician's assistant may conduct a physical body cavity search (RCW 10.79.100).
- (c) Except for the qualified physician, registered nurse or physician's assistant conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary 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 Patrol Sergeant'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 Patrol Sergeant 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).

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900.6 TRAINING

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

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

900.7 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

Biological Samples

901.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses and from offenders required to register, for example, as sex offenders. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation.

901.2 POLICY

The Kittitas County Sheriff's Office will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

901.3 OFFENDERS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following offenders must submit a biological sample (RCW 43.43.754):

- (a) An offender convicted of any felony offense.
- (b) An offender convicted of assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041).
- (c) An offender convicted of assault in the fourth degree with sexual motivation (RCW 9A.36.041; RCW 9.94A.835).
- (d) An offender convicted of communication with a minor for immoral purposes (RCW 9.68A.090).
- (e) An offender convicted of custodial sexual misconduct in the second degree (RCW 9A.44.170).
- (f) An offender convicted of failure to register as a sex or kidnap offender (RCW 9A.44.040 et seq.).
- (g) An offender convicted of harassment (RCW 9A.46.020).
- (h) An offender convicted of patronizing a prostitute (RCW 9A.88.110).
- (i) An offender convicted of sexual misconduct with a minor in the second degree (RCW 9A.44.096).
- (j) An offender convicted of stalking (RCW 9A.46.110).
- (k) An offender who violates a sexual assault protection order granted under RCW 7.105.050 et seq. (Civil Protection Orders).
- (l) An offender convicted of indecent exposure (RCW 9A.88.010).
- (m) An offender convicted of a sex or kidnapping offense and required to register under RCW 9A.44.130.

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Biological Samples

901.3.1 OPTIONAL SUBMISSION OF BIOLOGICAL SAMPLES

The Office may submit biological samples to the forensic laboratory services of the Washington State Patrol (WSP) of an offender who is deceased and who was previously convicted of a qualifying offense regardless of the date of conviction (RCW 43.43.754).

901.4 PROCEDURE

When an offender is required to provide a biological sample, a trained member shall attempt to obtain the sample in accordance with this policy.

901.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the offender is required to provide a sample pursuant to RCW 43.43.754.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the person's WSP Crime Lab. There is no need to obtain a biological sample if one has been previously obtained (RCW 43.43.754).
- (c) Use the designated collection kit provided by the WSP to perform the collection and take steps to avoid cross contamination.

901.5 USE OF FORCE TO OBTAIN SAMPLES

If an offender refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel, and only with the approval of a supervisor.

Methods to consider when seeking voluntary compliance include contacting:

- (a) The individual's parole or probation officer, when applicable.
- (b) The prosecuting attorney to seek additional charges against the individual for failure to comply or to otherwise bring the refusal before a judge (RCW 43.43.754(11)).
- (c) The judge at the individual's next court appearance.
- (d) The individual's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available. The supervisor shall review and approve any plan to use force and be present to document the process.

The supervisor shall review and approve any plan to use force and be present to document the process.

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Biological Samples

901.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all persons participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the established records retention schedule.

901.6 LEGAL MANDATES AND RELEVANT LAWS

Washington law provides for the following:

901.6.1 AVAILABLE INFORMATION AND TRAINING

The patrol supervisor should maintain relevant informational material from the WSP in the booking area of the Kittitas County Sheriff's Office for training and guidance purposes. This should include the WSP protocols for the collection, preservation, and shipment of biological samples (WAC 446-75-060).

Transporting Persons in Custody

902.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Kittitas County Sheriff's Office.

See the Handcuffing and Restraints Policy for additional guidance.

902.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to provide safe, secure, and humane transportation for all persons in custody.

902.3 DEPUTY RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Deputies transporting a person in custody should:

- (a) Search all areas of the vehicle accessible to a person in custody before and after each transport.
- (b) Immediately search persons in custody after arrest, when receiving the person from the custody of another deputy, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.
 - 1. Whenever practicable, a search should be conducted by a deputy of the same gender as the person being searched.
 - 2. If a deputy of the same gender is not reasonably available, a witnessing deputy should be present during the search if practicable.
 - 3. Any search of a person in custody without a witness should be recorded using body worn and/or car mounted camera if feasible.
- (c) Provide Kittcom with any required notifications (e.g., start time, mileage, end time).
- (d) Properly secure all property.
- (e) Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Audio Video and Body-Worn Cameras policies for additional guidance).
- (f) Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.
- (g) Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.
- (h) Make a verbal welfare check with a person in custody at least every 10 minutes. Provide sufficient visual observation and audio communication during the transport of:

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1. Individuals in auxiliary restraints.
 2. Individuals in leg restraints.
 3. Individuals wearing a spit hood.
 4. Individuals who are a suspected suicide risk.
- (i) Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.
- (j) Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance).

902.4 TRANSPORT RESTRICTIONS

When transporting multiple persons, deputies:

- (a) Should not transport persons in custody together. Persons in custody should be transported individually when practicable, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.
1. Juveniles and adults shall not be transported together.
 2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.
 3. Persons of different genders should not be transported together.
- (b) If segregating individuals is not possible, transporting deputies should be alert to inappropriate physical or verbal contact and take appropriate action.

902.5 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting deputy should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting deputy should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the deputy.

Deputies transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

902.6 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, deputies should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Deputies shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

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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.

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

902.7 TRANSPORTING PREGNANT PERSONS IN CUSTODY

Persons in custody who are known to be pregnant should be restrained during transport in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure themselves or others, or damage property.

Absent exceptional circumstances, persons in labor or delivery should not be transported by deputies. EMS personnel should be called to handle transportation.

902.8 EMERGENCY DETENTION TRANSPORTS

When transporting any individual for an emergency detention, the transporting deputy should request that Kittcom notify the receiving facility of the transport.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of a deputy in the transporting vehicle during the transport, supervisor approval is required before transport commences.

See the Emergency Detentions Policy for additional guidance.

902.9 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, deputies should not interrupt a transport to provide emergency assistance. Deputies encountering an emergency should notify Kittcom and request an appropriate response.

902.10 EXTENDED TRANSPORTS

During transports for extended durations, transporting deputies may be required to make necessary stops. These stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

902.11 PROHIBITIONS

When transporting a person in custody, deputies should not:

- (a) Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).
- (b) Handcuff a person to any part of a vehicle.
- (c) Leave the vehicle unattended with the person in custody in the vehicle.

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- (d) Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.
- (e) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than office personnel or receiving agency personnel.
- (f) Stop to conduct any personal activities.
- (g) Engage in a pursuit.

902.12 ESCAPES

In the event that a person in custody escapes while being transported, the transporting deputy should immediately advise Kittcom and other units of the escape, provide a description of the escapee, notify the patrol Sergeant, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Patrol Sergeant should notify the Sheriff or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the Kittitas County Sheriff's Office, the Patrol Sergeant should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

902.13 DOCUMENTATION

If a person is injured during transportation, deputies should document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

902.14 NOTIFICATIONS

Deputies should notify a supervisor and any receiving facility of information regarding any circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 POLICY

In accordance with applicable federal, state, and local law, the Kittitas County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.2 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 Kittitas County Civil Service Commission and any standards set forth by law.

1000.3 SELECTION PROCESS

The Office shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks

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- (h) Polygraph or voice stress analyzer examination (when legally permissible) (RCW 43.101.095; WAC 139-07-040)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
 - 1. The medical examination shall include a drug screening and be conducted by a licensed physician.
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available, including the National Decertification Index

1000.3.1 VETERAN PREFERENCE

The Office will provide veteran preference percentages as required (RCW 41.04.010).

1000.4 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Kittitas County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify their personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Kittitas County Sheriff's Office (RCW 43.101.095; WAC 139-07-020).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

The Sheriff's Office shall not require candidates to provide passwords, account information or access to password-protected social media accounts (RCW 49.44.200).

The Sheriff's Office should conduct open source, Internet-based searches and/or review information from social media sites in a manner that ensures:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Sheriff's Office fully complies with applicable privacy protections and local, state and federal law.

The Sheriff should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

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1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file. These files shall be stored in a secured manner and made available only to those who are authorized to participate in the selection process.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 BACKGROUND CERTIFICATION

Upon completion of the background investigation of a candidate who has received a conditional offer of employment with the Kittitas County Sheriff's Office, the background investigator shall certify to the Criminal Justice Training Commission (CJTC) that the background check has been completed and there was no information found that would disqualify the candidate from certification, and that the candidate is suitable for employment as a deputy (RCW 43.101.095).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (RCW 43.101.095; RCW 43.101.200). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community.

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Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR DEPUTIES

Candidates shall meet the following minimum standards established by the CJTC (RCW 43.101.095):

- (a) Be eligible for CJTC certification
- (b) Submit to a psychological evaluation administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW (may only be given after a conditional offer of employment)
- (c) Submit to a polygraph examination or similar assessment administered by an experienced professional with appropriate training and in compliance with rules established by CJTC
- (d) Submit to a criminal history check
- (e) Not been convicted of a felony offense
- (f) Submit to a facilitated review of the applicant's social media accounts
- (g) Submit to a check of any national decertification index, CJTC records, and all disciplinary records by any previous law enforcement or correctional employer, including complaints or investigations of misconduct and reason for separation from employment
- (h) Submit to an inquiry to the local prosecuting authority in any jurisdiction in which the applicant has served as a peace officer or corrections officer, as to whether the applicant is on any potential impeachment disclosure list
- (i) Submit to an inquiry into whether the applicant has any past or present affiliations with extremist organizations, as defined by the CJTC

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 LEOFF, PERS, PSERS 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 Supervisor, not later than fifteen (15) working 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 completed inventory return form, sick leave/vacation record, identification card, and commission form.

The supervisor will submit an online [Notice of Separation](#) and provide the employee with information about the requirements of the [Kittitas County Exit Checklist](#).

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) A PAFF will be generated by the Administrative Assistant and forwarded to Human Resources.
- (b) The Quarter master will be contacted and the individual's personal inventory form will be reviewed. All items issued to the individual will be returned.
- (c) 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 Auditor's office
- (d) If a commissioned deputy leaves the Sheriff's Office for any reason (e.g., lateral to another agency, termination, resignation, or retirement) the Administrative Assistant 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 Office's employee performance evaluation system is designed to record work performance for both the Office and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The Kittitas County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Office evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

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 non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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Evaluation of Employees

1002.3.1 RESERVE DEPUTY EVALUATIONS

Reserve deputy evaluations are covered under the Reserve Deputies Policy.

1002.4 FULL TIME PROBATIONARY PERSONNEL

All full time employees except certified Peace Officers are on probation for 12 months before they are eligible for certification as permanent employees. During the probationary period, evaluations are completed as necessary to ensure employee success and the efficiency of the office. At a minimum, these employees shall be evaluated during the cycle of regular annual evaluations that occurs within the probationary period and at the end of the probationary period.

Deputies in certified Peace Officer positions are on probation for twelve months from the date of hire, or eight months after receipt of Peace Officer certification, whichever is later, before they are eligible for certification as permanent employees. Probationary deputies in certified Peace Officer positions are evaluated using the Field Training Program described in policy 416 FIELD TRAINING and at the end of 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 each employee's immediate supervisor. Evaluations of civil service employees shall be completed in the first quarter of the year. The Sheriff may evaluate employees in exempt/appointed positions at any time in the year.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1002.5.1 RATINGS CRITERIA

The Sheriff will approve Employee Performance Evaluation criteria and metrics appropriate to various employees' positions. Supervisors will use approved Employee Performance Evaluation forms to provide objective ratings supported by written comments. The supervisor shall document the employee's strengths, weaknesses, and suggestions for improvement. Any rating indicating an employee is not meeting expectations or performing adequately shall be explained with specific reference to components of job performance that are unsatisfactory, and followed up with a proposed plan to address or improve the reported under-performance.

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Evaluation of Employees

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 (Chief Deputy). The Chief Deputy shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Chief Deputy shall evaluate the supervisor on the quality of ratings given.

1002.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Sheriff. 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 of needs improvement or unacceptable, receives a Special Evaluation to document a performance deficiency or is receiving discipline for a performance deficiency, the supervisor should consider whether remedial training would be appropriate to assist the employee in improving their performance.

- (a) If remedial training is deemed to be appropriate, the supervisor shall document the following items in a Personnel Improvement Plan (PIP):
 - 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.

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- (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 office's grievance procedure.

The remedial training process is for use with all employees. It is not limited to use with probationary employees.

Special Assignments and Promotions

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Kittitas County Sheriff's Office.

1003.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Kittitas Department of Human Resources.

1003.3 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.

1003.4 POLICY

The Kittitas County Sheriff's Office determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Sheriff.

Grievance Procedure

1004.1 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.

1004.1.1 GRIEVANCE DEFINED

Grievance - Is any dispute involving the interpretation or application of any of the following documents by the person 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 allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any office employee that, if true, would constitute a violation of office policy or federal, state, or local law set forth in the Personnel Complaints Policy.

1004.2 PROCEDURE

Collective bargaining agreements address the grievance procedures for each bargaining unit and the members of those units who are employed by the Kittitas County Sheriff's Office. Employees will consult their contract, Kittitas County Civil Service Commission Rules, or Kittitas County Human Resources for grievance procedures.

1004.2.1 RECOGNIZED UNIONS AND ASSOCIATIONS

Local 760 (Line contract)

Local 760 (Corrections contract)

Kittitas County Deputy Sheriff's Association.

1004.2.2 REPRESENTED EMPLOYEE SEXUAL HARASSMENT OR DISCRIMINATION

Represented employees who have a sexual harassment or discrimination grievance created by a work situation shall have the right to submit such grievance to his/her supervisor or Command Staff or the Sheriff.

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Grievance Procedure

1004.2.3 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 following as applicable; The Sheriff, Kittitas County Civil Service Commission or Kittitas County Human Resources.

1004.2.4 NON-REPRESENTED EMPLOYEE SEXUAL HARASSMENT OR DISCRIMINATION

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 Sheriff, or Kittitas County Human Resources for resolution.

1004.2.5 CONTENTS OF GRIEVANCE

Employees will consult with their collective bargaining unit agreement, Kittitas County Human Resources, or Kittitas County Civil Service Rules. In general, a grievance 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.

1004.3 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.

1004.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Sheriff's Administration for inclusion into a secure file for all written grievances. A copy will be provided to Human Resources for inclusion in the union files.

1004.5 GRIEVANCE AUDITS

The Inspector shall perform an annual audit of grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future grievances. The Inspector shall record these findings in a confidential and generic memorandum to the Sheriff without including 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 Inspector should promptly notify the Sheriff.

Anti-Retaliation

1005.1 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.

1005.2 POLICY

The Kittitas 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.

1005.3 RETALIATION PROHIBITED

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

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

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

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Anti-Retaliation

1005.3.1 RETALIATION PROHIBITED FOR INTERVENING OR REPORTING

A deputy shall not be retaliated against in any way for intervening or reporting in good faith any wrongdoing by another law enforcement officer. Wrongdoing means conduct that is contrary to law or policies of this office (RCW 10.93.190).

1005.4 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.

1005.5 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.

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- (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.

1005.6 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.

1005.7 WHISTLE-BLOWING

Washington law protects employees 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 Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy.

1005.7.1 DISPLAY OF REPORTING PROCEDURES

The Office shall display the County policy to employees 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 employees upon request (RCW 42.41.030).

1005.8 RECORDS RETENTION AND RELEASE

The Sheriff's Administrative assistant shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1005.9 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 Arrests, Convictions, and Court Orders

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Kittitas County Sheriff's Office. This policy will also describe the notification requirements and procedures that certain retired deputies must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm (RCW 43.101.135).

1006.2 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; RCW 9.41.040; RCW 9.41.801).

All members and retired deputies with identification cards issued by the Office 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.

1006.3 REPORTING

All members of this office and all retired deputies with an identification card issued by the Office shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal detention, arrest, charge, plea, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Office shall immediately notify their supervisors (retired deputies should immediately notify the Patrol Sergeant or the Sheriff) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired deputy from possessing a firearm or requires suspension or revocation of applicable Criminal Justice Training Commission (CJTC) certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

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Retired deputies may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1006.3.1 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION

The Inspector shall ensure that notification has been made to CJTC within 15 days of learning that a deputy has been charged with a crime (RCW 43.101.135).

Drug- and Alcohol-Free Workplace

1007.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1007.2 POLICY

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

1007.3 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.

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 Patrol Sergeant or appropriate supervisor as soon as the member is aware that the member 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, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1007.3.1 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.

1007.3.2 CANNABIS

Members may not possess, use, or be under the influence of medical or recreational cannabis products containing delta-9-tetrahydrocannabinol, also known as THC, either on-duty and off-duty (RCW 69.51A.060[7]).

1007.4 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.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1007.5 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 Department of 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.

1007.6 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.

1007.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Office while off-duty, resulting in injury, death, or substantial property damage.
- (d) During the performance of the employee's duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1007.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.

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- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1007.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1007.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1007.9 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 in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1008.1 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 Paid Family and Medical Leave program (PFML) (29 USC § 2601 et seq.; RCW 50A.05.005 et seq.).

1008.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to provide eligible employees with a sick leave benefit.

1008.3 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 (WAC 296-128-750).

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.

1008.3.1 NOTIFICATION

All members should notify the Patrol Sergeant or appropriate supervisor 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.

1008.4 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 (RCW 49.46.210;

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WAC 296-128-660). Members on an extended absence shall, if possible, contact their supervisors at specified intervals to provide an update on their absence and expected date of return.

1008.5 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 Department of Human Resources 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.

1008.6 PERSONNEL AGENCY

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 296-128-755.
- (b) This Sick Leave Policy is readily available to all employees.
- (c) Employee records are retained and preserved regarding paid sick leave information and data as required by WAC 296-128-010.

1008.7 RETALIATION

No employee shall be retaliated against for using qualifying sick leave (WAC 296-128-770).

Communicable Diseases

1009.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of office members contracting and/or spreading communicable diseases.

This policy also serves as the Exposure Control Plan for the Sheriff's Office (WAC 296-823-11010).

1009.1.1 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, tuberculosis, and COVID-19.

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 Kittitas County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

Universal Precautions - An infection control system that considers the blood and other potentially infectious materials (OPIM) from all persons as potentially containing a blood-borne disease, whether or not the person has been identified as having a blood-borne disease.

1009.2 POLICY

The Kittitas 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.

1009.3 EMPLOYEES AT RISK OF EXPOSURE (EXPOSURE DETERMINATION, WAC 296-823-11005)

Patrol Deputies, Patrol Supervisors, and Detectives may be exposed to blood-borne pathogens in the course of normal duties, including when:

- Rendering first aid and otherwise assisting sick or injured persons
- Detaining, searching, and arresting persons, including applying restraints and using lawful physical force
- Collecting, handling, and processing property and evidence including sharps and bio-hazardous materials

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Jail Deputies and Supervisors may be exposed to blood-borne pathogens in the course of normal duties, including when:

- Rendering first aid and otherwise assisting sick or injured persons
- Searching, escorting and transporting inmates, including applying restraints and using lawful physical force
- Handling, mitigating, and cleaning bio-hazards created by inmates

Evidence Custodians may be exposed to blood-borne pathogens in the course of normal duties, including when:

- Handling and processing property and evidence including sharps and bio-hazardous materials

1009.4 EXPOSURE CONTROL OFFICER

The Sheriff shall designate an Exposure Control Officer (ECO). The ECO is responsible for ensuring the following:

- The Exposure Control Plan is reviewed and updated annually and as necessary to reflect any new or modified tasks or procedures that affect occupational exposure
- The Employee Exposure Determination List is reviewed and updated annually and otherwise as necessary
- A copy of this Exposure Control Plan is available to all employees
- Ongoing controls are in place to eliminate or minimize occupational exposure to blood or OPIM including:
 - Available biomedical waste containers, labels and bio-hazard bags
 - Labeled sharps containers and other supplies recommended in CDC guidelines
 - Appropriate and clearly labeled disinfecting solutions
 - All Personal Protective Equipment, available in the appropriate sizes and types
- That all required medical actions are provided and appropriate medical records are retained in the event of an exposure.

1009.5 EXPOSURE EVENT PROCEDURES

Members shall practice Universal Precautions in the performance of their duties, in accordance with blood-borne pathogen training and using supplied Personal Protective Equipment.

An exposure event occurs when any mucous membrane or broken skin comes into contact with potentially infectious blood or other potentially infectious material.

1009.5.1 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).

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- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor and the ECO as soon as practicable.

Decontamination facilities and supplies are available at Kittitas Valley Fire & Rescue station 29 at 400 East Mountain View in Ellensburg. The Decontamination room in the southwest corner of the main equipment bay contains sinks, an eyewash station, sanitizing washing machines, and approved cleaning agents for persons, clothes, and vehicles. The facility should be cleaned and sanitized after personnel and equipment are decontaminated.

KVFR's on-duty captain or designee may be contacted via Kittcom for access after front-office hours.

1009.5.2 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. 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).

1009.5.3 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.

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No other information should be requested or accepted by the ECO.

1009.5.4 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).

1009.5.5 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 County Prosecutor to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1009.6 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.

1009.7 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.

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1009.8 ADMINISTRATIVE REASSIGNMENT

If the Sheriff or appointed designee determines that an employee's presence either at Sheriff's Office facilities or in public conflicts with the goal of this policy to minimize the risk of disease to office members and the public, the office member may be ordered to remain at home or at another alternate location during assigned working hours. If the regular work assignment of the affected office member cannot be performed, the member may be placed on administrative reassignment as directed by the Sheriff.

Such an order shall extend for no longer than necessary to support the purpose of this policy.

Smoking and Tobacco Use

1010.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking of tobacco products by members and others while on-duty or while in Kittitas County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking tobacco includes any tobacco product, including but not limited to cigarettes, cigars, and pipe tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1010.2 POLICY

The Kittitas County Sheriff's Office recognizes that tobacco use is a health risk and can be hazardous or offensive to others.

Smoking is prohibited by members and visitors in all County facilities and buildings, and as is further outlined in this policy (RCW 70.160.030).

1010.3 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).

1010.3.1 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

1011.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Kittitas County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member; nor shall this policy apply to a criminal investigation.

1011.2 POLICY

The Kittitas County Sheriff's Office takes seriously all complaints and concerns regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all personnel complaints which allege misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any memorandum of understanding or collective bargaining agreements.

It is the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation.

1011.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a significant violation of office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Concerns about conduct or performance that do not violate law or office policy, as well as violations that are technical or *de minimis* in nature, shall not be considered personnel complaints and may be addressed directly by a supervisor. Supervisors shall note such concerns in the employee's annual evaluation and be alert to any pattern of recurring behaviors of concern.

If a complainant wishes to file a formal personnel complaint about a violation which the supervisor regards as technical or *de minimis*, the supervisor shall document the proposed personnel complaint and direct it to command staff to determine proper handling.

If a supervisor receives a personnel complaint that is obviously impossible or clearly and intentionally false, they should document the complaint and direct it to command staff for investigation as a false or frivolous complaint.

1011.3.1 SOURCES OF COMPLAINTS

1. Individuals from the public may make personnel complaints in any format, including in writing, by email, in person or by telephone.
2. Sheriff's Office members who observe wrongdoing by another office member shall promptly report their observations to their supervisor. "Wrongdoing" includes any violation of law or policy that is not technical or *de minimis* in nature (RCW 10.93.190). If the wrongdoing observed is serious or criminal in nature, supervisor notification

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must be prior to the end of the shift. Any deputy who becomes aware of wrongdoing committed by another deputy or another law enforcement officer should also complete a Peace Officer Conduct Report and submit it to their supervisor.

3. Supervisors shall initiate a personnel complaint investigation based upon their own observation of misconduct or any allegation of misconduct from another source.
4. Anonymous and third-party personnel complaints should be accepted and investigated to the extent that sufficient information is provided.
5. Tort claims and lawsuits may generate a personnel complaint.
6. Persons in the custody of the Kittitas County Jail who wish to make any complaint regarding conditions of custody must do so through the Inmate Grievance procedure outlined in the Kittitas County Sheriffs Office Custody Manual. Exceptions are at the sole discretion of the Sheriff.

1011.4 AVAILABILITY AND ACCEPTANCE OF PERSONNEL COMPLAINTS

1011.4.1 PERSONNEL COMPLAINT FORMS

Personnel Complaint Forms will be maintained in a clearly visible location in the public area of the Deputy Sheriff's facility. Personnel Complaint Forms in languages other than English may also be provided, if needed and practicable.

1011.4.2 ACCEPTANCE

All personnel complaints will be courteously accepted by any office member and promptly given to an appropriate supervisor. Although written complaints are preferred, a personnel complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a personnel complaint form as appropriate.

Although not required, complainants should be encouraged to file personnel complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1011.5 DOCUMENTATION

Supervisors shall ensure that all personnel complaints are documented on a personnel complaint form. The supervisor receiving or completing the personnel complaint form should ensure the nature of the complaint is defined as clearly as possible.

All personnel complaints shall be documented in a log that records and tracks complaints and the Administrative Investigations related to them. The log shall include:

- the nature of the complaint;
- the assigned investigator;
- the disposition of the investigation;

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- and the type of discipline administered, if any.

1011.6 ADMINISTRATIVE INVESTIGATIONS

1011.6.1 SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of suspected misconduct shall take reasonable steps to prevent potential further misconduct or aggravation of the situation. They shall also:

1. Ensure that a personnel complaint form is completed.
2. Respond to all personnel complaints in a courteous and professional manner.
3. Ensure that the employee's direct supervisor and Division Chief are notified as soon as practicable.
 - (a) Command staff will enter each complaint of misconduct in the Administrative Investigation log.
 - (b) The Sheriff or designee will assign each Administrative Investigation to a supervisor, detective, or command staff member based on the nature of the complaint and the type of investigation anticipated.
4. Promptly notify command staff of any complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
5. Investigate complaints appropriately and thoroughly when assigned.
6. Ensure that the procedural rights of the accused member are observed.

1011.6.2 ADMINISTRATIVE INVESTIGATION OF PERSONNEL COMPLAINTS

Whether by a supervisor, detective or command staff member, the following procedures apply to personnel complaint investigations:

1. The accused employee shall be notified of the existence and nature of the complaint within 15 days of the date when a supervisor determines the existence of a personnel complaint.
2. Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is interviewed while off-duty, he/she shall be compensated.
3. Unless waived by the employee, interviews of an accused employee shall be at the Kittitas County Sheriff's Office or other reasonable and appropriate place.
4. No more than two interviewers should ask questions of an accused employee.
5. Prior to any interview, an employee should be informed in writing of the nature of the investigation.
6. An employee shall be permitted to arrange for a union representative or attorney to be present at an administrative investigation interview if they choose. If they decline to have a representative present, a written waiver of that right should be obtained.
7. All interviews should be for a reasonable period and the employee's personal needs shall be accommodated.

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8. No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
9. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - (a) An employee shall only be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - (b) No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
10. The interviewer may record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
11. All employees subjected to interviews that could result in a written reprimand or more serious discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
12. All employees shall provide complete and truthful responses to questions posed during interviews.
13. 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.
14. The assigned investigator shall produce a clear written report documenting their investigation and the evidence it produces. The report should include:
 1. An **INTRODUCTION** identifying the involved members, the source and date of the complaint, and a brief summary of the facts giving rise to the complaint and investigation.
 2. A **SUMMARY OF COMPLAINT** that identifies each potential violation alleged in the complaint, with reference to applicable policy sections or laws.
 3. An **INVESTIGATION AND EVIDENCE** section which describes the investigative steps undertaken and the evidence and testimony relating to the allegations listed. Comprehensive summaries of witness and member statements and descriptions of other evidence should be included.
 4. A **CONCLUSION** providing any additional observations or context that will aid the Sheriff in determining appropriate dispositions and disciplinary actions.

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1011.6.3 COMPLETION OF INVESTIGATIONS

The Sheriff is required to determine any discipline arising from a complaint within 30 days of the notification of the employee. Supervisors or other members assigned to investigate a personnel complaint shall proceed with due diligence in an effort to complete the investigation in a timely manner. If circumstances require an extension of the 30-day time-line, written notification shall be given to the Sheriff, the employee and the employee's union representative.

1011.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation.

Such areas may also be searched at any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1011.8 ADMINISTRATIVE LEAVE

When a personnel complaint alleged serious misconduct, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

In the event of a serious violation, including a felony charge against an employee, the Sheriff may either suspend an employee without pay or terminate the employee immediately.

1011.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations separately from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Kittitas County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

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1011.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

1011.10.1 COMPLAINT DISPOSITIONS

Each alleged violation or act of misconduct in an Administrative Investigation will be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

1011.10.2 COMMAND RESPONSIBILITIES

Upon receipt of any completed administrative investigation, the Division Chief shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Chief may make recommendations regarding the disposition of each allegation and the type and amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Division Chief may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Division Chief shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1011.10.3 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the command staff member for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall make a preliminary determination of the amount of discipline, if any, that should be imposed. If the proposed discipline includes any monetary impact on the employee, including termination, demotion, or leave without pay, the Sheriff shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Sheriff in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.

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- (a) Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.
- (b) If the member elects to respond orally, the presentation should be recorded by the Office. Upon request, the member shall be provided with a copy of such a recording if one is made.

Once the member has completed his/her response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written final decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

1011.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1011.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

If an employee is immediately suspended without pay or terminated in a serious event such as a felony charge, they will be provided an opportunity to make this oral or written response or appeal to the Sheriff as promptly as reasonably possible after such disciplinary action.

1011.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (RCW 43.101.135).

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1011.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, memorandum of understanding and/or personnel rules.

In the event of punitive action against an employee covered by civil service, the appeal process shall be in compliance with RCW 41.12.090 and RCW 41.14.120.

1011.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

Any probationary period may be extended at the discretion of the Sheriff in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1011.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1011.16 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC) CERTIFICATION BOARD

Upon separation of a peace officer for any reason, the Office shall, within 15 days of the separation, notify the CJTC on a personnel action report form provided by the commission. When a resignation or retirement is accepted in lieu of termination, the reasons and rationale shall be included in the information provided to the CJTC, including the findings from any internal or external investigations into alleged misconduct (RCW 43.101.135).

The CJTC shall be notified within 15 days any time a deputy has been charged with a crime; or within 15 days of an initial disciplinary decision made by the Office for behavior or conduct by a deputy that is noncriminal and may result in revocation of certification (RCW 43.101.135).

The CJTC shall also be notified regarding any decision to discipline a deputy for failure to intervene or for failure to report an incident of excessive force or any wrongdoing by another peace officer (RCW 10.93.190).

For all incidents the Sheriff determines fall under these statutes, the Inspector shall ensure timely reporting to CJTC.

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The Office shall, upon request of the CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the separation or event provides grounds for suspension or revocation of the peace officer's certification (RCW 43.101.135).

1011.17 ANNUAL REVIEW OF ADMINISTRATIVE INVESTIGATIONS

The Inspector shall conduct and prepare for review by the Sheriff an annual written analysis of all Administrative Investigations. This analysis shall address:

- Patterns or trends in personnel complaints or misconduct;
- Training needs or recommended policy modifications; and
- A review and evaluation of the effectiveness of this policy and the Administrative Investigative process.

Seat Belts

1012.1 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.

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

1012.1.1 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).

1012.2 POLICY

It is the policy of the Kittitas 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.

1012.3 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.

1012.4 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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1012.5 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.

1012.6 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.

1012.7 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

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1013.2 POLICY

It is the policy of the Kittitas 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.

1013.3 ISSUANCE OF BODY ARMOR

The Administrative supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the Kittitas County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1013.3.1 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. Jail Deputies may be excused from wearing body armor when working inside the jail facility.
- (d) Body armor shall be worn when a deputy is working in uniform or taking part in Office range training.
- (e) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor.

1013.3.2 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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1013.3.3 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.

1013.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Office-approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.

Personnel Records

1014.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1014.2 POLICY

It is the policy of this office to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Washington.

1014.3 OFFICE FILE

The office file shall be maintained as a record of a person's employment/appointment with this office. The office file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the office file after the member has had the opportunity to read and initial the comment.
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment..
 - 2. Any member response shall be attached to and retained with the original adverse comment.
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1014.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments,

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notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1014.5 TRAINING FILE

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

1014.6 ADMINISTRATIVE INVESTIGATION FILES

Administrative Investigation files shall be maintained under the exclusive control of the Sheriff's Admin in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff. These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's office/personnel file but will be maintained in the administrative investigations file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

1014.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

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1014.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Board of County Commissioners, County Prosecutor or other attorneys or representatives of the County in connection with official business.

1014.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Public Records Officer or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1014.8.2 RELEASE OF PERSONNEL INFORMATION

The Office may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1014.8.3 NOTICE TO MEMBER

Upon receipt of a request for information located exclusively in a member's personnel record, the Public Records Officer is responsible for providing notice to the member, the union representing the member, and to the requestor, that includes the following information (RCW 42.56.250):

- (a) The date of the request
- (b) The nature of the requested record relating to the member
- (c) That information in the record will be released if not exempt from disclosure at least 10 days from the date the notice is made
- (d) That the member may seek to enjoin release of the records under RCW 42.56.540 (court protection of public records).

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1014.9 MEMBER ACCESS TO THEIR OWN PERSONNEL RECORDS

Any member may request access to review their own personnel records annually during the normal business hours of those responsible for maintaining such files.

Members may request a copy of their personnel file consistent with RCW 49.12.240 & RCW 49.12.250.

A member may annually request that all information contained in their personnel file subject to disclosure be reviewed by the Office for any irrelevant or erroneous information. Any member seeking the removal of any item from their personnel records shall file a written request to the Sheriff through the chain of command. The Office shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Office shall be retained with the contested item in the member's corresponding personnel record (RCW 49.12.250).

Members may be restricted from accessing the following:

- (a) Records of an employee relating to the investigation of a possible criminal offense (RCW 49.12.260)
- (b) Records of an employee compiled in preparation for an impending lawsuit which would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 49.12.260)
- (c) Records relating to an ongoing internal affairs investigation or disciplinary action to the extent that release could jeopardize or compromise the investigation or action pending final disposition (RCW 49.12.240(2))

1014.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the records retention schedule established by law.

- (a) During the preparation of each member's performance evaluation, all eligible personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.
- (c) If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be marked or segregated as ineligible for consideration in future disciplinary matters in accordance with the Union contract.

Commendations and Awards

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Kittitas County Sheriff's Office and individuals from the community.

1015.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1015.2.1 AWARDS BOARD MEMBERSHIP

Awards Board members other than those assigned by position will normally serve a term of one year. Any member's term may be extended. The Awards Board will consist of the following members:

- (a) Operations Chief Deputy
- (b) Inspector
- (c) Two deputies not assigned to the same team.
- (d) Two non-commissioned employees designated by the Sheriff.

1015.2.2 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 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.

1015.3 AWARDS

It is the intent of the Sheriff's Office that various acts or meritorious accomplishments will be publicly recognized when those acts or accomplishments are determined to be conspicuously outstanding acts of heroism, exceptionally meritorious, or acts which are above and beyond the service 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 service 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 letter of recognition from the Sheriff, detailing the reason the award was given.
- A medallion with the inscription "MEDAL of VALOR" and bearing the seal of the State of Washington.

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- 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 involve 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 letter of recognition from the Sheriff, detailing the reason the award was given.
- A medallion with the inscription "MEDAL of MERIT" and bearing the seal of the State of Washington.
- A metal bar approximately 1/4 inch by 1 inch, blue and red in color and bearing the inscription "MERIT". 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 in the line of duty. This injury must be of a serious nature inflicted by a weapon or other means 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 person during the commission of a crime. The other person need not have had actual intent to harm the deputy. Recipients of the Purple Heart will receive:

- A letter of recognition from the Sheriff, detailing the reason the award was given.
- A medallion in the shape of a purple heart and bearing the seal of the state of Washington.
- A metal bar approximately 1/4 inch by 1 inch, white in color on which is centered a purple heart. 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, saved a human life under unusual and/or extraordinary circumstances. The member must have personally performed the action. A competent authority must confirm the action was life-sustaining. Recipients of the Lifesaving Medal award will receive:

- A letter of recognition from the Sheriff, detailing the reason the award was given.
- A medallion with the inscription "LIFE SAVING" and bearing the seal of the State of Washington.
- A metal bar approximately 1/4 inch by 1 inch, one half of which is red and the other half of which is white. 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.

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Unit Merit Citation - To be awarded the individuals in a unit who participated in an incident or service that had a substantial positive impact on the community. 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 continuous ongoing team effort; exceeding the level of performance that is expected by the public. Recipients of the Unit Merit Citation will receive:

- A letter of recognition from the Sheriff 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 nonuniform 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's 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 letter of recognition from the Sheriff for each employee in the unit detailing the reason the award was given.
- 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 letter of recognition from the Sheriff, detailing the reason the award was given.
- 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.

1015.4 COMMENDATIONS

The Sheriff may issue a Commendation to any member in recognition of outstanding performance over any period of time or in a single incident.

Meritorious and commendable acts may include, but are not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.

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- Any action or performance that is above and beyond typical duties.

1015.4.1 OFFICE MEMBER DOCUMENTATION

Members of the Office should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 1. For members of the Office - name, division and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

1015.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Office members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 1. For members of the Office - name, division and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

1015.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Office should be forwarded to the appropriate Chief Deputy for his/her review. The Chief Deputy should sign and forward the documentation to the Sheriff for his/her review.

The Sheriff or the authorized designee will present the commendation to the office member for his/her signature. The documentation will then be returned to the Sheriff's Administrative Assistant for entry into the member's personnel file.

1015.5 COMMUNITY AWARDS

Awards may be bestowed upon members of the community for exceptional acts of valor, merit or service. These awards include:

- Award of Valor

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- Award of Merit
- Lifesaving Award
- Meritorious Conduct

Criteria for each award and the selection, presentation and display of such awards are determined by the Sheriff.

Fitness for Duty

1016.1 PURPOSE AND SCOPE

All deputies are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all deputies of this office remain fit for duty and able to perform their job functions.

1016.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this office to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.
- (b) Each member of this office shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1016.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.
- (b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Office to assess options and react responsibly to assure the safety of the employee, other members of the Office and the public, while complying with the employee's legal rights.
- (d) In conjunction with the Patrol Sergeant or employee's available Chief Deputy, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

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1016.4 RELIEF FROM DUTY

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family medical leave under state and/or federal law. Consult with Human Resources to assure proper notification and compliance with family medical leave rights. Employees who are relieved from duty for medical reasons may be eligible for workers compensation payments or may be required to use sick leave or other paid time off consistent with applicable policies.

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

1016.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining health care provider will provide the Office with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. The scope of the requested fitness for duty report shall be confined to the physical or psychological condition that prompted the need for the examination. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.
- (c) In order to facilitate the examination of any employee, the Office will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) In the event an employee is required to submit to a "fitness for duty" examination as a condition of returning from medical leave required under the Family Medical Leave Act (FMLA), contact Human Resources for direction regarding how to proceed.

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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.

1016.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than 14:40 (fourteen hours and forty minutes) in a shift before an off-duty period of at least 8 hours, and should work no more than 16 (sixteen) hours in any 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.

This policy applies to all work including, but not limited to, shift changes, shift trades, rotations, holdovers, training, and overtime.

1016.7 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

Meal Periods and Breaks

1017.1 PURPOSE AND SCOPE

This policy regarding meals and breaks shall conform to all collective bargaining agreements.

1017.1.1 MEAL PERIODS

Fully commissioned deputies shall remain on duty subject to calls during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Fully commissioned deputies shall take their breaks within the County limits unless on assignment outside of the County.

The time spent for the meal period shall not exceed the authorized time allowed.

1017.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid-point, of each half of their work period in compliance with the appropriate collective bargaining unit.

Field deputies will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field deputies take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Kittcom.

1017.2 EOC MEALS

During periods when Emergency Operation Center protocols are activated, the Sheriff's Office may supply personnel staffing the Emergency Operations Center with meals as necessary to support the EOC.

Lactation Breaks

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1018.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child for up to two years after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; RCW 43.10.005).

1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; RCW 43.10.005). 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 member'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.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt office operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1018.4 PRIVATE LOCATION

The Office will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; RCW 43.10.005).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

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Lactation Breaks

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1018.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the member's shift ends.

Payroll Records

1019.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of office members who are eligible for the payment of wages.

1019.2 POLICY

The Kittitas County Sheriff's Office maintains timely and accurate payroll records.

1019.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1019.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administrative as established by the County payroll procedures.

1019.5 RECORDS

The Administrative Chief Deputy shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Outside Employment

1020.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for office employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

1020.1.1 DEFINITIONS

Outside Employment - Any member of this office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this office for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this office for services, product(s) or benefits rendered.

Outside Overtime - Any member of this office who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this office so that the Office may be reimbursed for the cost of wages and benefits.

1020.1.2 LIMITATIONS ON EXTRA DUTY AND OUTSIDE EMPLOYMENT

On duty restrictions - Employees shall not engage in extra duty or outside employment while on duty.

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 this agency 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 pertains to unexcused absence or tardiness for regular duty. The employee working extra duty is on duty in the employ of the Kittitas County Sheriff's Office under the contracted agreement through this agency and as such is subject to the same provisions as other duty assignments. Violations will be reported through the chain of command.

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

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Command Staff 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, 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 Shift supervisor.

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 Kittitas County Sheriff's Office.

1020.2 OBTAINING APPROVAL

No member of this agency may engage in any outside employment without first obtaining prior approval from the Sheriff or his 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 outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Sheriff for consideration.

If approved, the employee will be provided with a copy of the approved authorization.

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.

1020.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Sheriff, 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 collective bargaining unit.

1020.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any 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 needing improvement to reach an overall level of competency, the Sheriff may, at his/her discretion, revoke any previously approved outside employment authorization. That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment authorization.

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- (b) Suspension or revocation of a previously approved 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 agency 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 subjected to similar restrictions as those applicable to the employee's regularly assigned duties until the employee has been cleared to return to full duty status.

1020.3 PROHIBITED OUTSIDE EMPLOYMENT

The Office expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which, in its view, would:

- (a) Involve the employee's use of office time, facilities, equipment or supplies, the use of the Office badge, uniform, prestige or influence for private gain or advantage.
- (b) Involve the employee's receipt or acceptance of any money or other consideration from anyone other than this office for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this office.
- (c) Involve the performance of an act in other than the employee's capacity as a member of this office that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this office.
- (d) Involve time demands that would render performance of the employee's duties for this office less efficient or render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1020.3.1 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 office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment and should be reported as time worked on employee time records.

1020.3.2 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the command staff, undercover deputies or deputies assigned to covert operations shall not be eligible to work in a uniformed or other capacity which might reasonably disclose the deputy's status as a law enforcement officer.

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1020.4 OFFICE RESOURCES

Employees are prohibited from using any office equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this office or other agencies through the use of the employee's position with this office.

1020.4.1 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 Office may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Office becomes concerned that a conflict of interest exists based on a financial reason, the Office may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS.

1020.5 MATERIAL CHANGES OR TERMINATION OF OUTSIDE EMPLOYMENT

If an employee terminates his/her outside employment during the period of authorization, 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.

1020.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Office members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

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- (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 Kittitas County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the permit.

Occupational Disease and Work-Related Injury Reporting

1021.1 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.

1021.1.1 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).

1021.2 POLICY

The Kittitas 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.).

1021.3 RESPONSIBILITIES

1021.3.1 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.

1021.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and the Accident, Illness and Injury Prevention policies apply and take additional action as required.

1021.3.3 COMMAND STAFF RESPONSIBILITIES

The command staff person who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff, the County's risk management entity, and the Administrative Chief Deputy to ensure any required Department of Labor and Industries reporting is made as required in the accident, illness and injury prevention plan identified in the Accident, Illness and Injury Prevention Policy.

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Occupational Disease and Work-Related Injury Reporting

1021.3.4 SHERIFF RESPONSIBILITIES

The Sheriff shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Office shall be filed in the member's confidential medical file.

1021.4 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 Administrative Assistant to the Sheriff through the chain of command for the Sheriff.

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.

1021.5 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.

1021.5.1 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

1022.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the office, employees shall maintain their personal hygiene and appearance in a manner that projects a professional image appropriate for this office and for their assignment.

1022.2 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.

1022.2.1 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.

1022.2.2 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.

1022.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1022.2.4 FACIAL HAIR

A clean shaven face is preferred; however beards and goatees may be worn if well trimmed. Facial hair will be no longer than 1/2 inch in length, will not extend any lower than one inch below the chin and will follow the jaw line to no lower than 1 inch below the ear lobe. Goatees will not extend past the corner of the mouth more than one inch or drop below the jaw line by more than one inch. There will be no sculpting of facial hair, coloring of facial hair is allowed but only in natural colors. It is recommended that members start the facial hair growth while on their days off or during leave. The Sheriff will determine the approved style of facial hair and or goatee.

Exceptions to this policy for plain clothes assignments are subject to the Sheriff's approval.

1022.2.5 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.

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Personal Appearance Standards

1022.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by deputies on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Sheriff or his/her designee. Female 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.

1022.3 TATTOOS

While on-duty or representing the Kittitas County Sheriff's Office in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Office in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1022.4 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

1023.1 PURPOSE AND SCOPE

The uniform policy of the Kittitas County Sheriff's Office is established to ensure that uniformed deputies will be reasonably identifiable to the public through the proper use and wearing of office uniforms (RCW 10.116.050).

Employees should also refer to the following associated policies:

- Office-Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Sheriff or the authorized designee. That manual should be consulted regarding authorized equipment and uniform specifications.

1023.1.1 DEFINITIONS

Reasonably identifiable – The deputy's uniform clearly displays the deputy's name or other information that members of the public can see and the office can use to identify the deputy (RCW 10.116.050).

1023.2 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.

- 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.
- All Deputies shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- Personnel shall wear only the uniform specified for their rank and assignment.
- The uniform is to be worn in compliance with the specifications set forth in the agency uniform specifications that are maintained separately from this policy.
- All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- Civilian attire shall not be worn in combination with any distinguishable part of the uniform, unless authorized by the Sheriff.
- Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official Sheriff's Office functions or events.

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- (h) Reserves and clerical uniformed personnel: 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) Command staff may make exceptions to the uniform and equipment policy for specialized assignments. The Sheriff may order a uniform of the day for special occasions, or for specific periods of time.
- (j) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Sheriff's Office uniform, including the uniform pants.
- (k) Mirrored sunglasses will not be worn with any uniform.
- (l) 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.

1023.2.1 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 Chief Deputy.

1023.3 UNIFORM CLASSES

1023.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie.
- (b) Polished shoes or boots.

1023.3.2 CLASS B UNIFORM

All deputies will possess and maintain a serviceable Class B uniform at all times.

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The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required.
- (b) A black crew neck t-shirt must be worn with the uniform.
- (c) Shoes for the Class B uniform may be as described in the Class A uniform.

1023.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Sheriff will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1023.3.4 SPECIALIZED UNIT UNIFORMS

The Sheriff may authorize special uniforms to be worn by deputies in specialized units such as Canine Team, SRT, Bicycle Patrol, Marine Deputies and other specialized assignments.

1023.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket, rain gear and Jumpsuit.

1023.3.6 CIVILIAN ATTIRE

There are assignments within this agency that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) For a professional appearance of the employee's attire employee's should consider the nature of their work, safety considerations (including safety equipment as determined by Kittitas County Risk Management and the Department of Labor and Industries), the nature of their public contact and normal expectations of outside parties with whom they will work.
- (b) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (c) Shirts, blouses and sweaters must be professional. A polo style shirt is acceptable. These shirts may be worn with a Sheriff's approved emblem, any law enforcement related emblem or Kittitas County related logo. The individual unit name can be placed on the sleeve if desired. Command staff may grant exceptions.
- (d) Dress slacks or comparable trousers are appropriate and must appear well kept and business like. Blue jeans, denims and like materials may be worn at the discretion of the Sheriff.
- (e) Dresses, skirts and shorts will present a business like appearance.

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- (f) Business work footwear is required. Dress sandals presenting a business like appearance are allowed.
- (g) Hair should be clean, combed and neatly trimmed or arranged. This pertains to sideburns, mustaches, and beards (if allowed), as well. Shaggy unkempt hair is not permissible.
- (h) Good personal hygiene habits must be maintained.
- (i) The following items shall not be worn on duty:
 - 1. Halters, strapless, spaghetti strap or tube tops.
 - 2. Tattered or faded trousers are considered inappropriate.
 - 3. Swimsuit.
 - 4. Spandex type pants or see-through clothing.
 - 5. Distasteful printed slogans, buttons or pins.
- (j) Variations from this order are allowed at the discretion of the Command staff when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (k) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Kittitas County Sheriff's Office or the morale of the employees.

1023.4 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Office shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Sheriff. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

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- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Sheriff.
- (f) Flag Pin - A flag pin may be worn, centered above the nameplate.
- (g) Badge - The office-issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff may authorize exceptions.

1023.4.1 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 office - From the time of death until midnight on the 14th day after the death.
- (b) A deputy from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen deputy.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Sheriff.

1023.5 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, Kittitas 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 Kittitas 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.

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1023.6 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.
- (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).

1023.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Kittitas 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.

Kittitas 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.

1023.8 POLICY

The Kittitas County Sheriff's Office will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's collective bargaining agreement. The Office may provide other office members with uniforms at the direction of the Sheriff.

All uniforms and equipment issued to office members shall be returned to the Office upon termination or resignation.

Domestic Violence Involving Law Enforcement Employees

1024.1 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).

1024.1.1 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.

1024.2 OFFICE RESPONSIBILITIES

The Kittitas County Sheriff's Office has the following obligations (RCW 10.99.030; RCW 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 has 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 Kittitas 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 Kittitas 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 the employee's supervisor.
- (f) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.
- (g) Provide information to employing law enforcement agencies within 24 hours of a domestic violence or domestic dispute report involving a sworn deputy.
- (h) Provide information on this domestic violence policy and programs under RCW 43.20A.735 to employees and make it available to employee families and the public.

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- (i) Provide victims of domestic violence by Kittitas 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 Kittitas 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 Kittitas County Sheriff's Office employees who are alleged victims of violence at the hands of sworn employees of the Kittitas 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 Kittitas 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.

1024.2.1 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.

1024.2.2 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 a Kittitas County Sheriff's Office employee is involved, the command duty officer shall:
 - 1. Determine if the involved employee's law enforcement powers shall be suspended and if a 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.
 - 3. Forwarded information on the incident to the Professional Standards Unit and/or the Sheriff for review and further action.
 - 4. Respond or designate a command officer to respond to a scene if the involved employee is a sergeant or above or if the situation dictates command presence.

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- (b) If an employee of another law enforcement agency is involved, the command duty officer shall:
 - 1. Verify command notification of the employing agency.
 - 2. Verify the supervisor has offered assistance with removing weapons, police powers, or other applicable issues.
 - 3. Ensure that the Kittitas County Sheriff's Office provides appropriate reports and any other requested documentation to the employing agency.

1024.3 EMPLOYEE ACTIONS

Law enforcement employees have the following obligations or entitlements (RCW 10.99.090):

- (a) Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains, or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist is critical.
- (b) Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or the command staff as soon as possible, but no later than 24 hours. Failure to report may subject the employee to disciplinary action.
- (c) Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.
- (d) Employees should be alert to the likelihood of victim or witness intimidation and shall immediately take appropriate action. This action will include but is not limited to the report to their supervisor or the command staff within 24 hours.
- (e) Employees are expected to fully cooperate with the investigation of allegations under this policy but only as requested by a supervisor, the assigned internal investigator, 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 the employee's 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 7.105.100 et seq. or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to the employee's 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.

1024.4 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:

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- (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
- (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.

1024.4.1 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, or other troubling events 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.

1024.4.2 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

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- (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 Kittitas 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 Kittitas 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 KCSO contact information, acting as the point of contact until another assignment is made.

1024.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Kittitas 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 the victim's home.
- (b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.
- (c) A copy of this policy and any agency confidentiality policy.
- (d) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.

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

Office Badges

1025.1 PURPOSE AND SCOPE

The Kittitas County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Kittitas County Sheriff's Office are the property of the Office and their use shall be restricted as set forth in this policy.

1025.2 RETIRED BADGE NUMBER

Badge number 35 shall be forever retired from Line Deputy use. Badge number 35 Shall always be in remembrance of Slain Deputy Ryan Thompson, end of watch March 19th, 2019

1025.3 POLICY

The uniform badge shall be issued to office members as a symbol of authority and the use and display of office badges shall be in strict compliance with this policy. Only authorized badges issued by this office shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1025.3.1 FLAT BADGE

Sworn deputies, with the written approval of the Sheriff may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of office policy as the uniform badge.

- (a) A deputy may sell, exchange, or transfer the flat badge he/she purchased to another deputy within the Kittitas County Sheriff's Office with the written approval of the Sheriff.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in the Office-Owned and Personal Property Policy.
- (c) An honorably retired deputy may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1025.3.2 NON-SWORN PERSONNEL

Badges and office identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

Non-sworn personnel shall not display any office badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

Non-sworn personnel shall not display any office badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

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1025.3.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1025.4 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Office badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The office badge, shoulder patch or the likeness thereof, or the office name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and office name for all material (printed matter, products or other items) developed for Office use shall be subject to approval by the Sheriff.

Employees shall not loan his/her office badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1025.5 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the agency badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

- (a) The employee associations may use the likeness of the agency badge for merchandise and official association business provided they are used in a clear representation of the association and not the Kittitas County Sheriff's Office.
- (b) The likeness of the agency badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

Temporary Modified-Duty Assignments

1026.1 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 or limitation that is protected under federal or state law.

1026.2 POLICY

Subject to operational considerations, the Kittitas 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.

1026.3 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 Kittitas 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 shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1026.4 PROCEDURE

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

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

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

The Chief Deputy will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the office and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Department of Human Resources or the County Prosecutor as appropriate.

1026.5 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 Chief Deputy.

1026.5.1 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 Chief Deputy that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1026.5.2 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 Chief Deputy of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Chief Deputy and ensuring that the required documentation facilitating a return to full duty is received from the employee.

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- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1026.6 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.

1026.7 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.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Office should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; RCW 43.10.005.).

1026.7.1 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.

1026.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1026.9 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 who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Speech, Expression, and Social Networking

1027.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Kittitas County Sheriff's Office.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected 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 a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1027.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Kittitas County Sheriff's Office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members 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 Office will carefully balance the individual member's rights against the needs and interests of the Office when exercising a reasonable degree of control over its members' speech and expression.

1027.3 SAFETY

Members should carefully consider 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 Kittitas County Sheriff's Office members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow office member.
- Otherwise disclosing where another deputy can be located off-duty.

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Speech, Expression, and Social Networking

1027.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Kittitas County Sheriff's Office, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, 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 Office or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Office and tends to compromise or damage the mission, function, reputation, or professionalism of the Office or its members. Examples may include:
 - 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
 - 2. Expression that demonstrates support for criminal activity.
 - 3. Participation 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 member as a witness. For example, posting to a website statements or expressions 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 members of the Office (e.g., 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 members 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 Office.
- (f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment 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.
- (g) Posting, transmitting, or disseminating any photographs, digital media or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Kittitas County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

Members 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).

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1027.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Kittitas County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the 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, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this office, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Kittitas County Sheriff's Office.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1027.5 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, including social media, that is accessed, transmitted, received, or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

The Office shall not require a member to disclose a personal username or password or open a personal social website unless otherwise allowed under Washington law (RCW 49.44.200).

1027.6 TRAINING

Subject to available resources, the Office should provide training regarding the limitations on speech, expression, and use of social networking to all members of the Office.

1027.7 OFFICIAL USE OF SOCIAL MEDIA

The Kittitas county Sheriff's Office endorses the official secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster

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productivity. This policy establishes this agency'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 Kittitas 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.

1027.7.1 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 Sheriff's Office regular email system.

1027.7.2 SHERIFF'S OFFICE SANCTIONED PRESENCE

All Kittitas County Sheriff's Office social media sites or pages shall be approved by the Sheriff or designee and shall be administered by the Sheriff's representative using the following guidelines:

(a) Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the Kittitas County Sheriff's Office presence on the website, a link to our official website, clearly indicate the sites are maintained by this office, and have 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 Kittitas County Sheriff's Office.

1. If possible, pages should clearly indicate that posted comments will be monitored and that our office 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.

1027.7.3 PERSONNEL REPRESENTING THE SHERIFF'S OFFICE

Personnel representing the Kittitas County Sheriff's Office via social media shall:

- (a) Conduct themselves as representatives of this office, adhere to all agency standards of conduct, and observe conventionally accepted protocols and decorum.
- (b) Observe and abide by all copyright, trademark, and service mark restrictions in posting materials.

Official social media users shall not:

- (a) Make any statements about the guilt or innocence of any suspect or arrestee, or prejudicial comments concerning pending prosecutions.
- (b) Post or otherwise disseminate confidential information, including photographs or videos, related to agency training, activities, or work assignments without authorization.

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- (c) Conduct political activities or private business using Sheriff's Office social media access or resources.

1027.7.4 SOCIAL MEDIA/PUBLIC RECORD

All information posted to social media sites is subject to State of Washington public records laws.

(a) Content must be retained in native format for the minimum period required by state retention schedules.

(b) If a site posting is a duplicate or secondary copy of a record that is already maintained, then the posting may be deleted any time after it has served its intended use.

(c) The Kittitas County Sheriff's Office and Kittitas County Information Services Department will be responsible to see that

social media records are maintained consistent with Washington State public disclosure laws.

Line-of-Duty Deaths

1028.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Kittitas County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the Office in providing proper support for the member's survivors.

The Sheriff may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1028.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a deputy during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing assigned duties.

For a deputy, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1028.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this office to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1028.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Patrol Sergeant and Kittcom.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Patrol Sergeant should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Patrol Sergeant or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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- (d) The Sheriff or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Office Liaison as soon as practicable (see the Notifying Survivors section and the Office Liaison and Hospital Liaison subsections in this policy).

1028.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Sheriff or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Sheriff, Patrol Sergeant, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Office chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in office vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting child care or other immediate needs.

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Office Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Office Liaison.
- (m) Inform the Sheriff or the authorized designee once survivor notifications have been made so that other Kittitas County Sheriff's Office members may be apprised that survivor notifications are complete.

1028.4.1 OUT-OF-AREA NOTIFICATIONS

The Office Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Office Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the office member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Office Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Office to pay travel expenses without the authorization of the Sheriff.

1028.5 NOTIFYING OFFICE MEMBERS

Supervisors or members designated by the Sheriff are responsible for notifying office members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Office regarding the deceased member or the incident.

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1028.6 LIAISONS AND COORDINATORS

The Sheriff or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Office Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Office Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available office resources. The Office Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Office should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1028.6.1 OFFICE LIAISON

The Office Liaison should be a Chief Deputy or of sufficient rank to effectively coordinate office resources, and should serve as a facilitator between the deceased member's survivors and the Office. The Office Liaison reports directly to the Sheriff. The Office Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.
- (g) Reminding office members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

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- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1028.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Office members and friends of the deceased member.
 - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Kittitas County Sheriff's Office members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Office, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1028.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Office Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term office contact for survivors.

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The Survivor Support Liaison should be selected by the deceased member's Chief Deputy. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Office Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Office and the hospital to the survivors. The following should be considered when returning the personal effects:
 - 1. Items should not be delivered to the survivors until they are ready to receive the items.
 - 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 - 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 - 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of office-issued equipment that may be at the deceased member's residence.
 - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.
- (h) Coordinating with the office's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.

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- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to office activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Office recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Office to facilitate communications necessary to the assignment. The office-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1028.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the office wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Making arrangements for members who were involved in or witnessed the incident to be relieved of office responsibilities until they can receive wellness support.
- (c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.

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- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1028.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Office Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Office, including but not limited to the following:
 - 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 - 2. Bagpipers/bugler
 - 3. Uniform for burial
 - 4. Flag presentation
 - 5. Last radio call
- (d) Briefing the Sheriff and command staff concerning funeral arrangements.
- (e) Assigning a deputy to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using office vehicles and drivers.
- (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

1028.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Office Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Kittitas County Sheriff's Office members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

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Where practicable, the [agencyHead] should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1028.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
 - 1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
 - 2. Social Security Administration.
 - 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. Death benefit (RCW 41.26.510)
 - 2. Education benefit (RCW 28B.10.567; RCW 28B.15.380; RCW 28B.15.520)
 - 3. Retirement benefits (RCW 41.04.393)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by Deputy Sheriff's associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

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1028.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Sheriff and the Office Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1028.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the office's PIO should be the office's contact point for the media. As such, the PIO should coordinate with the Office Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct office members to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 - 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Disseminate important public information, such as information on how the public can show support for the office and deceased member's survivors.
- (d) Arrange for community and media briefings by the Sheriff or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to office members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to

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survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

1028.8 OFFICE CHAPLAIN

The Office chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting office members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1028.9 INVESTIGATION OF THE INCIDENT

The Sheriff should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved office members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1028.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Sheriff may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1028.11 NON-LINE-OF-DUTY DEATH

The Sheriff may authorize certain support services for the death of a member not occurring in the line of duty.

Wellness Program

1029.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for office members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1029.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

Peer supporter – A member or retired member of the Kittitas County Sheriff's Office who has received training to provide emotional support, moral support, and counseling to a member who needs those services resulting from an incident in an official capacity or to deal with other stress that is impacting the member's performance of official duties. It also includes a nonemployee counselor who has been designated by the Kittitas County Sheriff's Office to provide those same services (RCW 5.60.060).

1029.2 POLICY

It is the policy of the Kittitas County Sheriff's Office to prioritize member wellness to foster fitness for duty and support a healthy quality of life for office members. The Office will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1029.3 WELLNESS COORDINATOR

The Sheriff should appoint a trained wellness coordinator. The coordinator should report directly to the Sheriff or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

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- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 - 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
 - 2. When practicable, the Office should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for office peer support members, such as:
 - 1. Peer support member selection and retention.
 - 2. Training and applicable certification requirements.
 - 3. Deployment.
 - 4. Managing potential conflicts between peer support members and those seeking service.
 - 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 - 6. Using qualified peer support personnel from other public safety agencies or outside organizations for office peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
 - 1. Defining the types of incidents that may initiate debriefings.
 - 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
 - 1. Obtaining a written description of the program services.
 - 2. Providing for the methods to obtain program services.
 - 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 - 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 - 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

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- (g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
 - 1. The coordinator should work with appropriate Office liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

1029.4 OFFICE PEER SUPPORT

1029.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a office peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1029.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of office peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting office members with periodic training on wellness topics, including but not limited to:
 - 1. Stress management.
 - 2. Suicide prevention.
 - 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
- (d) Referrals should be made to office-designated resources in situations that are beyond the scope of the peer support member's training.

1029.4.3 PEER SUPPORT MEMBER TRAINING

A office peer support member should complete office-approved training prior to being assigned.

1029.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

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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 should only include peer support members and/or peer supporters, and those directly involved in the incident.

1029.6 PEER SUPPORT COMMUNICATIONS

Although the Office will honor the sensitivity of communications with peer support members, such communications are not confidential, except:

- Communications between a qualified peer supporter and a member are considered to be privileged except where allowed by law (RCW 5.60.060).
- Communications to crisis referral services by members and all records related to the communications shall be confidential except as limited by RCW 43.101.425.

1029.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of office-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Ongoing support and evaluation

1029.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the office's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to their Division Chief for review and consideration of updates to improve program effectiveness.

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1029.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Manager to make available education and training opportunities on topics related to member physical and mental health and wellness, including but not limited to:

- The availability and range of office wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of physical exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Manager as appropriate for inclusion in training records.

Attachments

**Washington State Law Enforcement
Records Retention Schedule.pdf**

This schedule applies to: Law Enforcement Agencies

Scope of records retention schedule

This records retention schedule covers the public records of local law enforcement agencies relating to the functions of law enforcement, criminal case investigation, and the management of the agency's assets and human resources. It is to be used in conjunction with the *Local Government Common Records Retention Schedule (CORE)* and other approved schedules that relate to the functions of the agency.

All current approved records retention schedules can be accessed online at: <http://www.sos.wa.gov/archives/RecordsRetentionSchedules.aspx>.

Disposition of public records

Public records covered by records series within this records retention schedule must be retained for the minimum retention period as specified in this schedule. Washington State Archives strongly recommends the disposition of public records at the end of their minimum retention period for the efficient and effective management of local resources.

Public records designated as Archival (Permanent Retention), Permanent, or Non-Archival with a retention period of "Life of the Agency" must not be destroyed. Records designated as Archival (Appraisal Required) or Potentially Archival must be appraised by the Washington State Archives before disposition. Public records must not be destroyed if they are subject to ongoing or reasonably anticipated litigation. Such public records must be managed in accordance with the agency's policies and procedures for legal holds. Public records must not be destroyed if they are subject to an existing public records request in accordance with chapter [42.56 RCW](#). Such public records must be managed in accordance with the agency's policies and procedures for public records requests.

In addition to the minimum retention requirements specified in this schedule, there may be additional (longer) retention requirements mandated by federal, state and/or local statute, grant agreement, and/or other contractual obligations.

Revocation of previously issued records retention schedules

All previously approved disposition authorities for records that are covered by this retention schedule are revoked, including those listed in all general and agency unique retention schedules. Local government agencies must take measures to ensure that the retention and disposition of public records is in accordance with current, approved records retention schedules.

Authority

This records retention schedule was approved by the Local Records Committee in accordance with [RCW 40.14.070](#) on January 26, 2017.

Signature on File

For the State Auditor: Cindy Evans

Signature on File

For the Attorney General: Matt Kernutt

Signature on File

The State Archivist: Steve Excell

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