INTRODUCTION TO THE MANUAL

OFFICIAL PUBLICATION

This manual is an official publication of the Skagit County Sheriff's Office. It is used with authorization from the Sheriff and contains policies, procedures and regulations of this agency. These policies, procedures and regulations are established to direct all personnel in carrying out their duties and responsibilities. Violations of any of these policies, procedures or regulations contained in this manual will be grounds for disciplinary action.

KNOWLEDGE OF THE MANUAL

It is the responsibility of every employee to familiarize him or her with the content of this manual.

ISSUING THE MANUAL

All employees will sign and date a receipt form upon receiving their manual. Employees are required to read the manual within 30 days of receiving it. After reading the manual the employee will sign a second receipt acknowledging they have read and understand the contents of the manual. Any updates to the manual will be receipted as well. Some employees may be tested by their supervisor to insure they are familiar with particular policies within the manual.

SECURITY OF THE MANUAL

Employees will keep their manuals secure; any information, which could hamper the agency's operations, will be kept strictly confidential. Strict confidentiality is especially important with regard to information on emergency response to criminal activity. Loss of manual or manuals in need of repair will be brought to the attention of the employee's supervisor. Requests for any information contained within this manual to persons outside of Law Enforcement should be directed to the Sheriff.

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LAW ENFORCEMENT CODE OF ETHICS

CODE OF CONDUCT

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

CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder and to respect the Constitutional Rights of all men to liberty, equality and justice. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self restraint and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of the office. Whatever I see or hear of a confidential nature or that is confided in me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution or criminals, I will enforce the law courteously and appropriately without fear or favor, malice or violence and never accepting gratuities. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession law enforcement.

CODE OF PROFESSIONAL CONDUCT AND RESPONSIBILITY FOR PEACE OFFICERS

PREAMBLE

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

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RESOLVED that the need to maintain high standards of moral character, integrity, knowledge and trust require that peace officers establish and conform to a Code of Professional Conduct and Responsibility for Peace Officers.

GENERAL STATEMENT

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

DEFINITIONS

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

"PEACE OFFICER" means a fully commissioned regular or reserve officer, and by extension and where applicable, any other paid or volunteer member of the Skagit County Sheriff's Office.

"CANONS" are statements, which express in general terms standards of professional conduct expected of peace officers in their relationship with the public, the criminal justice system and the peace officer profession. They embody the general concepts from which the Ethical Standards and the Disciplinary Rules are derived.

"ETHICAL STANDARDS" are statements that represent the objectives toward which every peace officer shall strive. The constitute principles that can be relied upon by the peace officer for guidance in specific situations.

"DISCIPLINARY RULES" specify an unacceptable level of conduct for all peace officers, regardless of their rank or the nature of their assignment, any peace officer who violates any agency rule that applies to these Canons and Standards is guilty of unprofessional conduct, and is subject to disciplinary action. Violation of disciplinary rules requires appropriate adjudication

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and disciplinary action ranging form oral reprimand to termination or criminal prosecution, or other administrative action sanctioned by law, as dictated by the individual case.

"ENFORCEMENT PROCEDURES" are the fundamental rights of an accused officer, which are applicable to a disciplinary investigation or proceeding against the officer.

"ADMINISTRATIVE INVESTIGATION" is an investigation conducted to determine whether an officer has violated any provision of this code, or any agency rule or regulation; or whether an officer is impaired or unfit to perform the duties and responsibilities of a peace officer.

"FORMAL DISCIPLINE" refers to the final adjudication of administrative or disciplinary charges.

CANONS OF ETHICS

CANON ONE

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

ETHICAL STANDARDS

STANDARD 1.1 Peace officers shall recognize that the primary responsibility of their profession and the individual officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and State Constitutions and laws derived therefrom.

STANDARD 1.2 Peace officers shall be aware of the extent and limitations of their authority in the enforcement of the law.

STANDARD 1.3 Peace officers shall diligently study principles and new enactments of the laws they enforce.

STANDARD 1.4 Peace officers shall be responsible for keeping abreast of current case law as applied to their duties.

STANDARD 1.5 Peace officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.

STANDARD 1.6 Peace officers shall respect and uphold the dignity, human rights and Constitutional rights of all persons.

CANON TWO

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

ETHICAL STANDARDS

STANDARD 2.1 Peace officers shall be aware of their lawful authority to use that force reasonably necessary in securing compliance with their lawful enforcement duties.

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STANDARD 2.2 Peace officers shall truthfully, completely, and impartially report, testify and present evidence in all matters of an official nature.

STANDARD 2.3 Peace officers shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants and collection and preservation of evidence.

STANDARD 2.4 Peace officers shall follow the principles of integrity, fairness and impartiality in connection with their duties.

CANON THREE

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

ETHICAL STANDARDS

STANDARD 3.1 Peace officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.

STANDARD 3.2 Peace officers, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.

STANDARD 3.3 Peace officers shall ensure that they are prepared for the effective and efficient undertaking of their assignment.

STANDARD 3.4 Peace officers shall safely and efficiently use equipment and material and material available to them.

STANDARD 3.5 Peace officers shall be prepared to and respond effectively to the demands of their office.

STANDARD 3.6 Peace officers, with due regard for compassion, shall maintain and objective and impartial attitude in official contacts.

STANDARD 3.7 Peace officers shall not allow their personal convictions, beliefs, prejudices or biases to interfere unreasonably with their official acts or decisions.

STANDARD 3.8 Peace officers shall recognize that their allegiance is first to the people, then to their profession and the government entity or agency that employs them.

CANON FOUR

Peace officers will so conduct their public and private life that they exemplify the high standards of integrity, trust and morality demanded of a member of the peace officer profession.

ETHICAL STANDARDS

STANDARD 4.1 Peace officers shall refrain from consuming intoxicating beverages to the extent that it results in impairment which brings discredit upon the profession or their employing agency, or renders them unfit for their next tour of duty.

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STANDARD 4.2 Peace officers shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties.

STANDARD 4.3 Peace officers shall not use any narcotics, hallucinogens or any other controlled substance except when legally prescribed. When such controlled substances are prescribed, officers shall notify their superior officer prior to reporting for duty.

STANDARD 4.4 Peace officers shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the peace officer profession. Officers shall not participate in any incident involving moral turpitude.

STANDARD 4.5 Peace officers shall not undertake financial obligations which they know they will be unable to meet and shall pay all just debts when due. STANDARD 4.6 Peace officers shall not engage in illegal political activities.

STANDARD 4.7 Peace officers shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as peace officers in connection with testimonials, advertisements for any commodity, commercial enterprise or commercial service which is not the product of the officer involved.

STANDARD 4.8 Peace officers shall not engage in any activity which would create a conflict of interest or would be in violation of any law.

STANDARD 4.9 Peace officers shall at all time conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.

STANDARD 4.10 Peace officers shall not be disrespectful, insolent, mutinous or insubordinate in attitude or conduct.

STANDARD 4.11 Peace officers shall be courteous and respectful in their official dealings with the public, fellow officers, superiors and subordinates.

STANDARD 4.12 Peace officers shall not engage in any strike, work obstruction or abstention, in whole or in part, from the full, faithful and proper performance of their assigned duties and responsibilities, except as authorized by law.

STANDARD 4.13 Peace officers shall maintain a neutral position with regard to the merits of an labor dispute, political protest, or other public demonstration, while action in an official capacity.

CANON FIVE

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

ETHICAL STANDARDS

STANDARD 5.1 Peace officers shall not restrict the freedom of individuals, whether by detention or arrest, except to the extent necessary to legally or reasonably apply the law.

STANDARD 5.2 Peace officers shall recognize the rights of individuals to be free from capricious or arbitrary acts which deny or abridge their fundamental rights as guaranteed by law.

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STANDARD 5.3 Peace officers shall not use their official position to detain any individual, or to restrict the freedom of any individual, except in the manner and means permitted or prescribed by law.

CANON SIX

Peace officers shall assist in maintaining the integrity and competence of the peace officer profession.

ETHICAL STANDARDS

STANDARD 6.1 Peace officers shall recognize that every person in our society is entitled to professional, effective, and efficient law enforcement services. STANDARD 6.2 Peace officers shall perform their duties in such a manner as to discourage double standards.

STANDARD 6.3 Peace officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

STANDARD 6.4 Peace officers shall maintain the integrity of the profession through complete disclosure of those who violate any of these rules of conduct, violate any law or who conduct themselves in a manner which tends to discredit the profession.

STANDARD 6.5 Peace officers shall have responsibility for reporting to proper authorities any known information which would serve to disqualify candidates from transferring within or entering the profession.

STANDARD 6.6 Peace officers shall be responsible for maintaining a level of education and training that will keep them abreast of current techniques, concepts, laws and requirements of their profession.

STANDARD 6.7 Chief Executive peace officers shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of the agency and the competency of their officers. These Canons and Ethical Standards shall apply to all legally defined peace officers regardless of rank.

STANDARD 6.8 Peace officers shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

CANON SEVEN

Peace officers shall cooperate with other officials and organizations that are using legal and ethical means to achieve the goals and objectives of the peace officers profession.

ETHICAL STANDARDS

STANDARD 7.1 Peace officers, within legal and agency guidelines, shall share with personnel both within and outside their agency, appropriate information that will facilitate the achievement of criminal justice goals or objectives.

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STANDARD 7.2 Peace officers, whether requested through appropriate channels or called upon individually, shall render needed assistance to any other officer in the proper performance of their duty.

STANDARD 7.3 Peace officers shall within legal and agency guidelines, endeavor to communicate to the people of their community the goals and objectives of the profession, and keep them apprised of conditions which threaten the maintenance of an ordered society.

CANON EIGHT

Peace officers shall not compromise their integrity, nor that of their agency or profession, by accepting, giving or soliciting any gratuity.

ETHICAL STANDARDS

STANDARD 8.1 Peace officers shall refuse to offer, give or receive gifts, favors or gratuities, either large or small, which can be reasonable interpreted as capable of influencing official acts or judgments. This standard is not intended to isolate peace officers from normal social practices, or to preclude gifts among friends, associates or relatives, where appropriate.

STANDARD 8.2 Peace officers shall not consider their badge of office as a license designed to provide them with special favor or consideration.

CANON NINE

Peace officers shall observe the confidentiality of information available to them through any source, as it relates to the peace officer problem.

ETHICAL STANDARDS

STANDARD 9.1 Peace officers shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.

STANDARD 9.2 Peace officers shall treat as confidential the official business of their employing agency, and shall release or disseminate such information solely in an authorized manner.

STANDARD 9.3 Peace officers shall treat as confidential that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.

STANDARD 9.4 Peace officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

STANDARD 9.5 Peace officers shall treat as confidential all matters relating to investigations, internal affairs, and personnel.

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MISSION STATEMENT

SKAGIT COUNTY SHERIFF'S OFFICE

MISSION STATEMENT

The Skagit County Sheriff's Office is committed to the safety of the citizens we serve, visitors to our community and our employees.

Professionalism, enthusiasm and integrity shall be our guiding principles in accomplishing this mission.

VISION

Safety through courage and professionalism.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.1.1 OFFICE AUTHORITY AND JURISDICTION

The Skagit County Sheriff's Office is established by R.C.W. 36.28.00. The authority of deputies is derived from the above code and is conferred by the commission issued by the Sheriff and is enhanced by the Mutual Aid Peace Powers Act of 1985.

Commissioned personnel are sworn to enforce the codes of Skagit County, state and federal law, to protect the public peace and safety within Skagit County and to abide by the Code of Professional Conduct and Responsibility for Peace Officers.

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 Skagit 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.

100.3.1 ACCOUNTABILITY OF AUTHORITY

The Skagit County Sheriff's Office is responsible for law enforcement services throughout Skagit County, more specifically the unincorporated areas and incorporated towns or towns and cities with no police departments who contract law enforcement services with Skagit County.

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Each Skagit County Sheriff's Office employee is accountable for the use of delegated authority. This authority is empowered to each employee through or by the color of the badge, position or rank.

Each employee is responsible for the use of delegated authority under the laws of the State of Washington, the ordinances of Skagit County and any other applicable commissions of authority.

100.3.2 USE OF OFFICE

Employees shall not use their official employment status with the Sheriff's Office to conduct investigations or inquires, access computer files, disseminate information gained or perform similar actions that are not authorized by the Sheriff's Office.

The rule does not limit employees from assisting other law enforcement agencies in their conduct of legitimate investigations.

When such action occurs, employees shall notify records of their actions and provide the appropriate written or verbal reports.

100.4 POLICY

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

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

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When a deputy enters Idaho or Oregon in fresh pursuit of a person believed to have committed a felony (Idaho Code 19-701; ORS 133.430).

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

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Law Enforcement Certification

102.1 PURPOSE AND SCOPE

All sworn deputies employed by the Skagit 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.

102.1.1 LIMITED COMMISSIONS

A Skagit County Commission may be issued to any employee of Skagit County who, by virtue of training and or experience has proven competence in the field of law enforcement and whose duties are police related. Limited police commissions or deputations may be issued upon approval of the Sheriff to persons outside the Sheriff's Office who have a need to have limited enforcement capabilities such as animal control, arson investigation and other enforcement areas.

(a) These commissions will specifically state the authority of the holder to enforce specific identified county codes and state laws.

(b) These limited commissions shall be valid as long as the issuing Sheriff remains in office or he/she revokes such commission.

102.1.2 OTHER POLICE COMMISSIONS

Police Commissions from other law enforcement agencies may be issued to Skagit County Sheriff's Deputies from time to time when necessary or desirable.

No deputies may accept a commission from another agency without prior notice and permission from the Sheriff.

102.1.3 COMMISSION ABUSE

Any abuse or unjustified use of any police commission or mutual aid peace officers power will result in the commission being withdrawn or subject the offending deputy to Office discipline procedures.

102.1.4 PEACE OFFICER CERTIFICATION

The Chief of Administrative Services will ensure that the Sheriffs Office is in compliance with the Peace Officers Certification Act.

The Washington State Criminal Justice Training Commission will be notified whenever a deputy is hired, receives their certification, as well as when deputies are terminated or separate from the Sheriffs Office.

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Oath of Office

104.1 PURPOSE AND SCOPE

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

104.2 OATH OF OFFICE

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

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

104.3 POLICY

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

104.4 MAINTENANCE OF RECORDS

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

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Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Skagit 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.

106.2 POLICY

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

106.2.1 DISCLAIMER

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

106.3 AUTHORITY

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

106.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations.

County - The County of Skagit County.

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

CJTC - The Criminal Justice Training Commission.

Office/SCSO - The Skagit County Sheriff's Office.

DOL - The Department of Licensing.

Employee - Any person employed by the Office.

Juvenile - Any person under the age of 18 years.

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

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

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

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

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

Peace officer - Includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" (RCW 10.93.020). Peace officers are generally referred to as deputies in this manual (Washington State Office of the Attorney General Model Use of Force Policy).

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

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

Shall or will - Indicates a mandatory action.

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

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other 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.

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

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

USC - United States Code.

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

WSP - The Washington State Patrol.

106.5 ISSUING THE POLICY MANUAL

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

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

106.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

106.7 REVISIONS TO POLICIES

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

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

Each Bureau Chief 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 Bureau Chiefs, who will consider the recommendations and forward them to the command staff as appropriate.

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LEGAL ADVICE, LIABILITY INSURANCE AND INDEMNIFICATION

107.1 INDEMNIFICATION

LEGAL ADVICE

Legal advice and assistance is available to the Sheriff's Office from the Skagit County Prosecutor's Office Civil and Criminal Divisions.

LIABILITY INSURANCE

Skagit County provides insurance for all employees including the Sheriff's Office through a system of self-insurance. This fund is managed by the County's Risk Management Department.

INDEMNIFICATION

Employee indemnification is set forth in Skagit County Resolutions #10492 and #11268 and Skagit County Ordinance 2.20.030.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Office and defines general responsibilities of office members.

200.1.1 COMMAND PROTOCOL

Whenever a senior employee in the necessary performance of duty, gives an order to any subordinate employee not attached to his/her bureau; that senior employee must exercise care that such an order does not unnecessarily conflict with those of the bureau Chief of the bureau to which the employee is assigned.

Whenever an order so given, requires the employee receiving same, to leave his/her regular assigned post or duty, the senior employee giving such order will as soon as practical, inform such subordinate's Bureau Chief or supervisor of the action taken.

200.1.2 QUESTIONS REGARDING ASSIGNMENT

Employees in doubt as to the nature or detail of assignment shall seek clarification from their immediate supervisor.

200.2 BUREAUS

The Sheriff is responsible for administering and managing the Skagit County Sheriff's Office and has the authority to spend funds in the approved budget for its day-to-day operation. There are four bureaus in the Sheriff's Office as follows:

- Administrative Services Bureau
- Field Services Bureau
- Criminal Investigations Bureau
- Corrections Bureau

200.2.1 ADMINISTRATIVE SERVICES BUREAU

The Administrative Services Bureau is commanded by an assigned Chief, whose primary responsibility is to provide general management, direction, and control for the Administrative Services bureau. The Administrative Services Bureau consists of technical and administrative services.

200.2.2 FIELD SERVICES BUREAU

The Field Services Bureau is commanded by an assigned Chief, whose primary responsibility is to provide general management, direction, and control for the Field Services Bureau. The Field Services Bureau consists of uniformed patrol and special operations, which includes Traffic/ motors, K-9, marine patrol, SAR, and crisis response teams.

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200.2.3 CRIMINAL INVESTIGATIONS BUREAU
The Criminal Investigations Bureau is commanded by an assigned Chief, whose primary responsibility is to provide general management, direction, and control for the Criminal Investigations Bureau. The Criminal Investigations Bureau consists of the Investigation Unit, the Evidence Room, crime analysis, and forensic services.

200.2.4 CORRECTIONS BUREAU
The Corrections Bureau is commanded by an assigned Chief, whose primary responsibility is to provide general management, direction, and control for the Corrections Bureau. The Corrections Bureau is comprised of Lieutenants, sergeants, corrections deputies and support staff that maintain the Skagit County Jail. In addition to incarceration, alternative programs and courthouse security are provided by the Corrections Bureau.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND
The Sheriff exercises command over all members of the Skagit County Sheriff's Office. During planned absences, the Sheriff will designate the Undersheriff to serve as the acting Sheriff.

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

(a) Undersheriff

(b) Field Services Bureau Chief

(c) Criminal Investigations Bureau Chief

(d) Administrative Services Bureau Chief

(e) Corrections Bureau Chief

(f) Patrol Lieutenant

(g) Administrative Lieutenant

(h) On-duty Shift Sergeant

200.3.2 UNITY OF COMMAND
The principles of unity of command ensure efficient supervision and control within the Office. Generally, each member 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., canine, bicycle patrol), any supervisor may temporarily direct any subordinate if an operational necessity exists.

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COMMAND STRUCTURE

201.1 CHIEF EXECUTIVE AUTHORITY

1. The Skagit County Sheriff must necessarily limit the number of people who report directly to him/her.

To insure unity of command clearly defined lines of authority must be drawn.

There exists a structural relationship between each employee and the Sheriff.

Each employee must be aware of his/her position in relative position in the organization, to whom he/she is immediately responsible and those people who are responsible to him/her.

Employees will strive at all times to operate within the chain of command and to keep their supervisors informed as to their activities.

2. The Sheriff has the authority to discipline employees of this office for noncompliance with rules, regulations, procedures, established policies and lawful orders issued by him/her or any of his/her administrative staff.

3. In the absence of the Sheriff the Undersheriff assumes the authority of the Sheriff's Office.

201.1.1 COMMAND DEFINITIONS

SHERIFF: Is an Elected Official in accordance with RCW 36. The Sheriff is the Chief Executive Officer of the Sheriff's Office and is responsible for the general direction, administration, financial management and efficient operation of the Sheriff's Office.

UNDERSHERIFF: Is appointed by the Sheriff. He/she exercises general supervision of the rest of the administrative staff and in the absence of any Chief Deputy may assume command of a specific Bureau.

CHIEF CRIMINAL DEPUTY: Is appointed by the Sheriff. He/she supervises the Administrative Lieutenant and is responsible for the investigative unit. He/she is responsible for the crime analysis function, property room, case management, as well as general supervision of detectives.

CHIEF OF FIELD SERVICES: Is appointed by the Sheriff. He/she supervises the Patrol Lieutenant and is responsible for the patrol bureau, including all specialized units.

CHIEF OF CORRECTIONS: Is appointed by the Sheriff. He/she supervises the Operations and Administrative Lieutenants and is responsible for County Jail management as well as other correctional programs.

CHIEF OF ADMINISTRATIVE SERVICES: Is appointed by the Sheriff and is responsible for the general management of the records, civil, accounting divisions and personnel functions within the office.

LIEUTENANT: Is appointed by the Sheriff from a certified civil service list. The Lieutenant serves as a mid-level manager responsible for the supervision and coordination of operations within an assigned bureau or section. He/she provides direct supervision to sergeants and other subordinate

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personnel, ensuring that policies, procedures, and directives are properly implemented. The Lieutenant assists command staff in administrative duties, planning, and operational oversight, and may assume command of the Bureau in the absence of a Chief Deputy.

PATROL SERGEANT: Is appointed by the Sheriff from a certified civil service list. The sergeant is the link between subordinate personnel and the administrative staff. He/she performs the first line supervision of commissioned and non-commissioned staff.

PATROL DEPUTY: Is appointed by the Sheriff from a certified civil service list. Deputies will carry out their duties as indicated by their job descriptions, as directed by this manual and their bureau's procedures.

SUPPORT STAFF: Is appointed by the Sheriff from a certified civil service list. Support staff will carry out the duties outlined in their individual job descriptions, this manual and their bureau's procedures.

201.1.2 SUPERVISOR ACCOUNTABILITY

1. The Skagit County Sheriff's Office recognizes supervisory positions as the first level of supervision within this office.

These supervisory positions have the responsibility to guide, direct, motivate and teach personnel under their supervision.

It is the supervisor's responsibility to plan the work of personnel in an orderly manner, delegate authority and responsibility when appropriate, and to follow the progress of task assignments to a satisfactory completion.

All supervisors of all ranks or levels within the office shall be, at all times, responsible for the work performance of subordinate personnel under their immediate control.

2. In the event of a major incident involving any division within the Sheriff's Office, initial command will be assumed by the duty supervisor for that bureau. The Chief Deputy of the bureau will be notified and will assume command when necessary. In the absence of the Chief Deputy the Undersheriff or Sheriff would be notified and assume the command. In the event that the DivisionUndersheriff and Sheriff are unavailable the duty supervisor will retain command and will notify anyone of the other Bureau Chiefs of the incident and the response occurring. It will be at the discretion of the Bureau Chief to assume command or leave it with the supervisor. A Bureau Chief who is not a commissioned law enforcement officer will not assume command of a criminal investigation but could assume command in personnel, civil or corrections related matters where no crime has occurred.

201.1.3 VIOLATION OF RULES

Employees shall not commit any act or omit any act that constitutes a violation of any of the rules, regulations, directives or orders of the Sheriff's Office.

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201.1.4 INSUBORDINATION

Employees shall promptly obey any lawful order of a supervisor or administrator, including orders relayed from a supervisor or administrator. Failure to obey a lawful order or direction shall be judged to be insubordination.

Insubordination is non-compliance with directives, rules, policies, assignments or procedures, provided the individual has been instructed or given knowledge of proper system in what is expected.

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CLASSIFICATION AND ASSIGNMENT

203.1 ASSIGNMENT OPENINGS

The Skagit County Sheriff's Office will offer specialty assignment opportunities to all qualified employees.

These assignment openings are announced by directive.

The announcement will include all pertinent information concerning the position, prerequisites, if any, and instructions for employee response.

203.1.1 SELECTION PROCESS

All lateral special assignments are made at the discretion of the Sheriff.

In order to assist in the selection process the Sheriff will direct the affected Bureau chief or sergeant, to conduct a review of each candidate that may include an oral interview and assessment of the candidates work performance.

The results of the review will be used by the Sheriff in his/her selection of the candidate.

203.1.2 CLASSIFICATION AND ASSIGNMENT

The Sheriff can establish the duration that an employee may serve in a particular temporary assignment within the Skagit County Sheriff's Office. An employee may have the time extended if it is approved by the Sheriff. Extensions will be granted on a case by case basis, considering the best interest of the employee, investment in training and expertise of the employee, and the goals of the bureau. The time in the position could be of shorter duration if the goals of the Skagit County Sheriff's Office are not met. This policy applies to all employees. The Sheriff may authorize a deputy to work in more than one specialty area and may transfer a deputy from one specialty to another if it is in the office's best interest.

Employees who are assigned to the Investigations Bureau as a Detective will serve in that assignment for a 1-year probation and then, if they successfully complete probation, for 4 years. The Sheriff will not remove them from that assignment, except: 1) under mutual agreement between the employee and the Sheriff, or 2) for just cause. This 5 year assignment period does not apply to those employees that the Sheriff assigns to the Investigations Bureau as a "Rotation" Detective or a "Task Force Detective." The Sheriff retains the right to rotate employees out of the Detective assignment during the probationary period or after the 4 year period.

For non-detective specialty positions, the Sheriff may, as a non-disciplinary action, rotate employees in and out of specialty assignments after the employee has been in the position for 2 or more years. Employees selected and assigned to these positions are expected to serve the designated duration associated with the assignment, subject to the Sheriff's authority to rotate them in and out according to operational needs.

Deputies should have the indicated number of years of service before applying for specialty assignments.

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After a deputy serves 2 years in a specialty assignment, their supervisor will conduct an annual review to ensure they continue to be suitable for the assignment.

If no one applies to a specialty assignment, the sheriff will fill the assignment with the most junior deputy with the minimum experience required for that specific assignment, calculated from the date of commission as a patrol deputy with the Skagit County Sheriff's Office. Deputies who are already in specialty assignments will not be assigned to an unfilled specialty assignment.

203.1.3 ASSIGNED POSITIONS

ASSIGNMENT	DURATION	TERMS	MINIMUM EXPERIENCE
Canine Handler	5 years/minimum life of the dog	2	4 years
Defense Tactics Instructor	5 years	2	Off Probation
Detective	5 years	2/1 yr extension	2 years
East Detachment	5 years	2	2 years
Field Training Officer	3 years	2	2 years
SWAT	5 years	2	Off probation
Hostage Negotiator	Mount Vernon PD requirements	2	MVPD Requirements
La Conner Detachment	5 years	2	Off probation
Marine Patrol	5 years	2	Off probation
Range Instructor	3 years	2	Off probation
Search and Rescue	5 years	2	2 years
Taser Instructor	3 years	2	Off probation
Task Force	3 years	2/1 yr extension	3 years
Traffic	3 years	2	Off probation
Unmanned Pilot	5 years	2	2 years

203.2 USE OF FORCE / CERTIFIED DEFENSIVE TACTICS INSTRUCTOR

- The Skagit County Sheriff's Office will have at least one WSCJTC current Certified 6240 / 6241 Use of Force/CDT Instructor.
- The instructor(s) shall receive training consistent with the Use of Force policy at least annually.
- At least annually, a WSCJTC certified instructor must teach Use of Force / Defensive Tactics training to all active Deputies.
- Defensive tactics curricula should incorporate the Use of Force policy.

203.3 SPECIALTY UNIT SUPERVISORY ASSIGNMENTS

The Sheriff will fill supervisory specialties by qualified supervisory ranked employees based on the office's best interest. The Sheriff expects that supervisors assigned to specialty assignments will

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serve a minimum of five years in the position. The Sheriff may extend or shorten the supervisory employee's assignment considering the best interests of the employee, the unit, and the Sheriff's Office. All supervisory assignments are made at the discretion of the Sheriff.

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Departmental Directives

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing Departmental Directives.

204.1.1 WRITTEN DIRECTIVES

In addition to this manual, employees are expected to familiarize themselves with other official Skagit County and Sheriff's Office publications including:

SKAGIT COUNTY POLICY MANUAL: Issued to all new employees hired by the county.

LABOR CONTRACT: Issued to each employee by the labor union after every new labor agreement.

BUREAU PROCEDURE: Issued and updated by the administrator of each bureau within the Sheriff's Office. BULLETINS: Issued by Sergeants or Bureau Chiefs as reminders to their bureau's about operations within the Bureaus.

ADMINISTRATIVE DIRECTIVES:

"A" DIRECTIVES: Permanently changes the policy of the Sheriff's Office. "A" directives should be incorporated into the Sheriff's Office Policy Manual. The Sheriff and Undersheriff are the only command staff who may issue these types of directives.

"B" DIRECTIVES: Changes the daily operation of a bureau within the Sheriff's Office and is usually only directed to an individual bureau. "B" Directives may be incorporated into the Sheriffs Office Policy Manual.

"C" DIRECTIVES: Temporary in nature, are used to announce special events, personnel changes and disciplinary actions.

Acknowledgment of directives is done by an automated e-mail acknowledgment to the Chief of Administrative Services.

204.2 RESPONSIBILITIES

Only "A" and "B" directives require an automatic response unless otherwise noted.

It is the responsibility of all users of the Sheriff's Office Manual to note any discrepancies, errors or omissions to the issuing administrator.

Unless otherwise directed the issuing administrator will format the written directives of his/her division to a manner consistent with this manual.

204.2.1 COMMAND STAFF

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

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204.2.2 SHERIFF
Only the Sheriff or the authorized designee may approve and issue Departmental Directives.

204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

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

204.3.1 CONFIRMATION OF RECEIPT
Members are required to acknowledge in writing or electronically the receipt and review of any new Departmental Directives. Signed acknowledgement forms and/or electronic receipts showing a member's acknowledgement shall be maintained by the Administrative Services Bureau Chief.

204.4 POLICY

Departmental Directives will be used to modify policies of the Skagit 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 Departmental Directive is issued.

204.5 PROTOCOL

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

The Administrative Services Bureau Chief or the authorized designee should ensure that all Departmental Directives are disseminated appropriately. Departmental Directives should be numbered consecutively and incorporate the year of issue. All members will be notified when a Departmental Directive is rescinded or has been formally adopted into the Policy Manual.

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Emergency Management Plan

206.1 PURPOSE AND SCOPE

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

206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated in a number of ways. For the Skagit County Sheriff's Office, the Sheriff or the highest ranking on-duty supervisor may activate the Emergency Management Plan in response to a major emergency.

Upon activation of the plan, the Sheriff or the authorized designee should contact the relevant emergency management organization to assist with a mutual aid response in which local, state, and federal law enforcement agencies.

206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Skagit County Sheriff's Office are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or the highest ranking on-duty supervisor.

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

206.3 LOCATION OF EMERGENCY MANAGEMENT PLAN

Copies of the Emergency Management Plan are available in Administrative Services, the Shift Sergeant's office, and Skagit 911. All supervisors should familiarize themselves with the Emergency Management Plan and the roles members will play when the plan is implemented. The Administrative ServicesBureau Chief should ensure that all personnel receive periodic training on the Emergency Management Plan. The Administrative ServicesBureau Chief should ensure that office members are familiar with the roles they will play when the plan is implemented.

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

206.5 POLICY

The Skagit 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

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use (RCW 38.52.070). This plan provides guidance for County emergency operations within and outside its borders.

206.5.1 SKAGIT COUNTY CODES

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

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Training

208.1 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.

208.2 POLICY

The Office shall administer a training program that will meet the standards of federal, state, local, and the Washington Criminal Justice Training Commission (CJTC) training requirements. It is a priority of this office to provide continuing education and training for the professional growth and development of its members.

208.3 OBJECTIVES

The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of office members.

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

(d) Ensure compliance with CJTC rules and regulations concerning law enforcement training.

208.4 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.

208.4.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify 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 will successfully complete an annual in-service training program of no less than 24 hours that includes the training required by the CJTC (WAC 139-05-300).

(a) Successful completion of the CJTC's two-hour annual online crisis intervention course shall be included in the 24 hours (RCW 43.101.427).

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2. All deputies 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.
   (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 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).

208.5 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Skagit 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 Sergeant or authorized designee.

Members assigned to participate in DTBs shall only use login credentials assigned to them by the Training Sergeant or authorized designee. 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.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts 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.

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

208.6 TRAINING SERGEANT

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

208.7 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:

1. Make arrangements through their supervisor or the Training Sergeant to attend the required training on an alternate date.

208.8 TRAINING RECORDS

The Training Sergeant 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.

208.8.1 TRAINING DOCUMENTATION

Detailed records shall be kept of all in-service training sponsored by or presented on behalf of the Skagit 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.
- Instructor credentials or resume.
- Individual attendee test results (if applicable).
- A course completion roster.

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Electronic Mail

212.1 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.

212.2 EMAIL RIGHT OF PRIVACY

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

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

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

212.3 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 shall be used only for official business and for information that is relevant to all personnel. Any office wide e-mail not meeting this standard must recieve prior approval from the Undersheriff or a Bureau Chief. Personal advertisements or non-official content are not permitted.

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.

212.4 EMAIL RECORD MANAGEMENT

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

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Electronic Mail

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

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Administrative Communications

214.1 PURPOSE AND SCOPE
Administrative communications of this office are governed by the following policies.

214.2 DEPARTMENT E-MAILS
Department 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.

214.3 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.

214.4 SURVEYS
All surveys made in the name of the office shall be authorized by the Sheriff, Undersheriff, or a Bureau Chief.

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Staffing Levels

216.1 PURPOSE AND SCOPE

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

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Concealed Pistol License

217.1 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.

217.2 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).

217.3 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)).

217.3.1 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.

217.3.2 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.

217.4 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.

217.5 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).

217.6 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.

217.6.1 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)).

217.6.2 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 immediately notify the Department of Licensing in writing of the revocation of a license.

217.7 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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217.8 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.

217.9 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.

217.10 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)).

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Retiree Concealed Firearms

219.1 PURPOSE AND SCOPE

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

219.2 POLICY

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

219.3 LEOSA

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

(a) Separated from service in good standing from this department as a deputy.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the deputy acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

219.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

219.3.2 AUTHORIZATION

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

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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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.

219.4 WASHINGTON IDENTIFICATION CARD

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

(a) Has retired from this department.

(b) Did not retire because of a mental or stress-related disability.

(c) Has not been convicted or found not guilty by reason of insanity of a crime making him/her ineligible for a concealed pistol license.

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

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

219.5 FORMER DEPUTY RESPONSIBILITIES

A former deputy with a card issued under this policy shall immediately notify the Shift Sergeant 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.

219.5.1 RESPONSIBILITIES UNDER LEOSA

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable department policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

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

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219.6 FIREARM QUALIFICATIONS

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

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

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Chapter 3 - General Operations

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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 all available and appropriate de-escalation techniques are used when possible, force is used appropriately 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.

This policy incorporates the Washington State Office of the Attorney General Model Use of Force Policy.

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). Using force is not a de-escalation tactic.

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.

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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).

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 reasonable force in carrying out their duties.

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

It is the fundamental duty of law enforcement to preserve and protect all human life (RCW 10.120.010). Deputies shall respect and uphold the dignity of all persons and use their authority in a bias-free manner.

The proper use of force is essential to ensure impartial policing and build trust in the community. While there are circumstances where individuals will not comply with the law unless compelled or controlled by deputies through the use of force, deputies must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority (Washington State Office of the Attorney General Model Use of Force Policy).

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.

Nothing in this policy limits or restricts a deputy's authority or responsibility to perform lifesaving measures or community caretaking functions or prevents a deputy from responding to requests for assistance or service (RCW 10.120.020).

300.2.1 DUTY TO INTERVENE AND REPORT

Any identifiable on-duty officer who witnesses another officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do

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so to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. Any identifiable on-duty officer who witnesses any wrongdoing committed by another officer, or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to the witnessing officer's supervisor or other supervisory officer in accordance with the witnessing officer's employing agency's policies and procedures for reporting such acts committed by an officer. (See also Washington State Criminal Justice Training Commission's (CJTC) Duty to Intervene Model Policy.)

300.2.2 ADDITIONAL STATE REQUIREMENTS ON THE DUTY TO INTERVENE AND REPORT

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).

300.2.3 CRITICAL DECISION MAKING

Use of critical decision making can help deputies achieve the expectations outlined in this manual. When safe and feasible, when making or considering whether to make contact with a member of the public, deputies shall (Washington State Office of the Attorney General Model Use of Force Policy):

(a) Begin assessment and planning with available facts before arriving at the scene.

(b) Request available resources, as needed, such as a crisis intervention team or other appropriate specialty unit or professionals.

(c) Collect information when on scene.

(d) Assess situations, threats, and risks.

(e) Identify options for conflict resolution.

(f) Determine a reasonable course of action.

(g) Review and re-assess the situation as it evolves.

Nothing in this policy precludes deputies from taking quick action when faced with a life-threatening situation, such as an active shooter. When safe and feasible, deputies shall not unnecessarily jeopardize their own safety or the safety of others through tactical decisions that unreasonably place themselves or others at risk including but not limited to (Washington State Office of the Attorney General Model Use of Force Policy):

(a) Immediately approaching a person without proper evaluation of the situation.

(b) Leaving insufficient space between a deputy and the person.

(c) Not providing time for a person to comply with commands.

(d) Unnecessarily escalating a situation.

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300.3 USE OF FORCE

Deputies shall use only the least amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose. Deputies shall use reasonable care when determining whether to use and when using any physical force or deadly force against another person (RCW 10.120.020).

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.

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

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

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

300.3.1 DE-ESCALATION

300.3.1.1 Core Principle: Duty to De-Escalate

When possible, officers shall use all available and appropriate de-escalation tactics prior to using physical force. (RCW 10.120.020 [2022 c 4 §3]).

(a) Depending on the circumstances, officers have a number of de-escalation tactics to choose from, which include, but are not limited to:

  (a) Employing tactical positioning and repositioning to maintain the benefit of distance and cover, such as backing away from the person to re-assess and determine which tactics to use;

  (b) Placing barriers or using existing structures to provide a shield or other protection between officers and a person;

  (c) Attempting to slow down or stabilize the situation to allow for the consideration and arrival of additional resources that may increase the likelihood of a safe resolution;

  (d) Requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder, other behavioral health

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providers, or back-up officers, including more experienced officers or supervisors;

(e) Using clear instructions and verbal persuasion;

(f) Employing verbal and non-verbal communication techniques to calm a person (such as, speaking slowly, regulating tone and body language, uncrossing one's arms, minimizing hand gestures, and reducing bright, flashing lights and sirens);

(g) Attempting to communicate in non-verbal ways when verbal instructions would be inadequate (such as, when the person and officer speak different languages, or the person is unable to hear or understand instructions);

(h) Communicating in a way that demonstrates respect for people's dignity (such as, clearly ex- plaining the officer's actions and expectations; listening to the person's questions and concerns and responding respectfully; and being neutral and fair when making decisions);

(i) When there are multiple officers, designating one officer to communicate in order to avoid competing or confusing commands; or

(j) Exhibiting patience while using all available and appropriate tactics and resources to provide as much time as needed to resolve the incident without using physical force.

300.3.2 REASONABLE CARE

300.3.2.1 Core Principle: Duty to Use Reasonable Care

Consider people's characteristics and conditions, including children, elderly persons, pregnant individuals, Limited English Proficiency speakers and those demonstrating mental, behavioral, physical, cognitive and perceptual impairments or disabilities, when determining whether to use physical force or deadly force, and if necessary, the appropriate and least amount of physical force possible to effect a lawful purpose. (RCW 10.120.020).

300.3.2.2 Core Principle: Perform Community Caretaking Functions

Nothing in this policy limits or restricts an officer's ability to respond to a call for community caretaking or protection of health and safety, and to use the appropriate and least amount of physical force to execute those functions. (RCW 10.120.020 [2022 c 4 §3]). The same standards for using physical force apply. However, incidental touching, which may occur in the course of community caretaking, is not defined as physical force.

300.3.2.3 Reasonable care means that the officer shall:

(a) When possible, use all available and appropriate de-escalation tactics before using physical force. (RCW 10.120.010 [2022 c 4 §3].

(b) Consider the characteristics and conditions of a person for the purposes of determining whether to use physical force or deadly force against that person and, if physical force is necessary, determine the appropriate and least amount of physical force possible to affect a lawful purpose. Such characteristics and conditions may include, for example, whether the person:

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1. Is visibly pregnant, or states that they are pregnant;
2. Is known to be a minor, objectively appears to be a minor, or states that they are a minor;
3. Is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined by RCW 74.34.020;
4. Displays signs of mental, behavioral, intellectual, developmental or physical impairments or disabilities;
5. Is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs;
6. Is suicidal;
7. Has limited English proficiency; or
8. Is in the presence of children. (RCW 10.120.020).

(c) Terminate the use of physical force as soon as the necessity for such force ends. (RCW 10.120.020)

300.3.3 USE OF PHYSICAL FORCE SHALL BE NECESSARY FOR A LAWFUL PURPOSE
Law enforcement encounters rapidly evolve and are not static. Thus, officers must continuously assess the necessity and effectiveness of their actions, including their tactical positioning, to decrease the likelihood of needing to use physical force.

(a) For physical force to be necessary, a reasonably effective alternative does not appear to exist and the use of force must be a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others.

1. Reasonableness shall be evaluated based on the totality of circumstances known to the officer leading up to, and at the time of, the use of physical force, including the immediacy of the threat, the actions of the person against whom force is used, the actions of the officer, and the seriousness of the law enforcement purpose. Determining whether physical force is reasonable includes assessing whether the officer made tactical decisions to minimize unnecessary risk to themselves and others, used all available and appropriate de-escalation tactics when possible prior to using physical force and exercised reasonable care when using physical force.
2. Proportionality shall be evaluated based on whether the use of physical force corresponds to the immediacy and severity of the threat or resistance the officer encounters at the time force is applied, as well as the seriousness of the law enforcement objective that is being served. The threat or resistance may change over the course of the incident. Proportional force does not require officers to use the same type or amount of physical force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional.

(b) Use of Physical Force Must Be for a Lawful Purpose. An officer may use physical force against a person to the extent necessary to:

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1. Protect against an imminent threat of bodily injury to the officer, another person, or the per- son against whom physical force is being used (RCW 10.120.020);
2. Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense (RCW 10.120.020 [2022 c 80 §3]);
3. Effect an arrest (RCW 10.120.020);
4. Take a person into custody when authorized or directed by statute (RCW 10.120.020 [2022 c 80 §3]);
5. Prevent an escape as defined under chapter 9A.76 RCW (RCW 10.120.020);
6. Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that he or she is being detained and is not free to leave (RCW 10.120.020 [2022 c 80 §3]);
7. Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under chapter 10.77, 71.05, or 71.34 RCW (RCW 10.120.020 [2022 c 4 §3]);
8. Take a minor into protective custody when authorized or directed by statute (RCW 10.120.020 [2022 c 4 §3]);
9. Execute or enforce a court order authorizing or directing an officer to take a person into custody (RCW 10.120.020 [2022 c 4 §3]);
10. Execute a search warrant (RCW 10.120.020 [2022 c 4 §3]);
11. Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes an officer to use physical force to execute or enforce the directive or order (RCW 10.120.020 [2022 c 4 §3]); or
12. Execute any other community caretaking function, including but not limited to performing welfare checks, assisting other first responders and medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public (RCW 10.120.020 [2022 c 4 §3]).

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.

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

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

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

(a) Immediacy and severity of the threat to deputies or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.

(c) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).

(d) The effects of suspected drug or alcohol use (RCW 10.120.020).

(e) The individual's mental state or capacity (RCW 10.120.020s).

(f) The individual's ability to understand and comply with deputy commands.

(g) Proximity of weapons or dangerous improvised devices.

(h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

(i) The availability of other reasonable and feasible options and their possible effectiveness.

(j) Seriousness of the suspected offense or reason for contact with the individual.

(k) Training and experience of the deputy.

(l) Potential for injury to deputies, suspects, and others.

(m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.

(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 visibility pregnant or claims to be pregnant (RCW 10.120.020).

(s) The individual is a minor, appears to be a minor, or claims to be a minor (RCW 10.120.020).

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(t) The individual is known to be a vulnerable adult or appears to be a vulnerable adult as defined by RCW 74.34.020 (RCW 10.120.020).

(u) The individual has limited English proficiency (RCW 10.120.020).

(v) The individual is in the presence of a child (RCW 10.120.020).

(w) Any other exigent circumstances.

300.3.4 FORCE LEVELS

Core Principle: Use the Least Amount of physical Force Necessary to Overcome Resistance Under the Circumstances. (RCW 10.120.020).

Core Principle: Use Deadly Force only when necessary to protect against an immediate threat of serious physical injury or death. (RCW 10.120.020 [2022 c 80 §3 and 2022 c 4 §3]).

Officers are not required to exhaust one type of force before moving to greater force.

(a) Lower Level Physical Force: This type of force is not intended to and has a low probability of causing injury, but may cause momentary discomfort or pain. Depending on the circumstances, including the characteristics and conditions of the person, lower level force options may include:

1. Techniques to direct movement (e.g., push back, escort, lift, carry);
2. Control holds (e.g., wrist locks, finger locks, joint manipulation);
3. Open hand techniques;
4. Takedowns; or
5. Use of a hobble restraint.

(b) Intermediate Physical Force: This type of physical force poses a foreseeable risk of significant injury or harm but is neither likely nor intended to cause death.

Depending on the totality of the circumstances, intermediate physical force may be reasonable when a person threatens imminent assault upon the officer or others. Intermediate force options include:

(a) Oleoresin Capsicum (OC) spray;

(b) Electronic control weapons;

(c) Projectile Impact Weapons;

(d) Canine bite or injury caused by physical contact between a canine and a subject;

(e) Impact weapon strikes (except impact weapon strikes to the head, neck, throat, or spine); or

(f) Punches, kicks or other strikes with an officer's body.

1. Officers shall only use striking techniques directed at a subject's head as a means of self-defense, or in the defense of others. Striking at a person's head using fists, elbows, knees, and feet, shall not be used as a means of pain compliance.

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(g) Deadly Force: An officer may use deadly force against another person only when deadly force is necessary to protect against an immediate threat of serious physical injury or death to the officer or another person. (RCW 10.120.020). Officers shall not use deadly force against persons who present a danger only to themselves and do not pose an immediate threat of death or serious bodily injury to another person or officer. Deadly force includes:

1. Impact weapon strikes to the head, neck, throat, or spine;
2. Striking a person's head onto a hard, fixed object;
3. Discharge of a firearm loaded with lethal ammunition at a person;
4. Intentionally striking, with a vehicle, a person who is not inside a vehicle

300.3.5 PAIN COMPLIANCE TECHNIQUES

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

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the individual can comply with the direction or orders of the deputy.

(c) Whether the individual has been given sufficient opportunity to comply.

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

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

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

300.3.7 TERMINATION OF USE OF FORCE

Deputies shall terminate the use of physical force as soon as the necessity for such force ends.

300.3.8 RESTRICTIONS ON RESPIRATORY RESTRAINTS

Deputies of this office are not authorized to use respiratory restraints, also known as chokeholds or neck restraints (RCW 10.116.020).

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300.3.9 IDENTIFICATION, WARNING, AND OPPORTUNITY TO COMPLY PRIOR TO THE USE OF FORCE

When safe and feasible, prior to the use of force, deputies shall (Washington State Office of the Attorney General Model Use of Force Policy):

(a) Identify themselves as law enforcement officers.

1. Identification is unnecessary when the deputy has objectively reasonable grounds to believe the person is aware of this fact.

(b) Attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, language barrier, or other factor that may impact the person's ability to understand and comply with deputy commands.

(c) Provide clear instructions and warnings.

(d) Warn a person that force will be used unless the person's resistance ceases.

(e) Give the person a reasonable opportunity to comply with the warning that force may be used.

300.4 DEADLY FORCE APPLICATIONS

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

Use of deadly force is only justified when the deputy reasonably believes it is necessary in the following circumstances (RCW 10.120.020):

(a) A deputy may use deadly force to protect the deputy or others from what the deputy reasonably believes is an immediate threat of serious physical injury or death.

(b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an immediate threat of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

However, a deputy shall not use deadly force against a person whose actions are a threat solely to themself or property unless the person poses an immediate danger of death or serious physical injury to the deputy or others in close proximity.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

A deputy may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious bodily injury resulting from the operator's or a passenger's use of a deadly weapon. A vehicle is not considered a deadly weapon unless the operator is using the

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vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the deputy. (RCW 10.116.060).

When feasible, deputies shall attempt to move out of the path of a moving vehicle rather than discharge their weapon at the operator.

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

A deputy shall not discharge a firearm from a moving vehicle, unless a person is immediately threatening the deputy or another person with deadly force.

300.4.2 WARNING SHOTS NOT PERMITTED

Deputies shall not fire warning shots.

300.4.3 DRAWING AND POINTING A FIREARM

(a) A deputy should only draw a firearm in the low-ready position (i.e., unholstered but out of the deputy's visual field) when the deputy makes reasonable observations based on the totality of the circumstances that the situation may evolve to the point where deadly force would be justified.

(b) A deputy should only point a firearm at a person when deadly force is justified.

(c) When it is determined that the use of deadly force is not necessary, the deputy should, as soon as safe and feasible, lower, holster, or secure the firearm.

(d) Pointing a firearm at a person is a reportable use of force and its justification and circumstances shall be documented in accordance with procedures set by the statewide use of force data collection program (RCW 10.118.030).

300.4.4 RESTRICTED USE

Deputies shall not use a firearm in the following circumstances (Washington State Office of the Attorney General Model Use of Force Policy):

(a) As an impact weapon except when deadly force is justified.

(b) When it appears likely that an innocent person may be injured by the deputy discharging the firearm in the direction of an innocent person.

(c) When discharging or pointing a firearm at a person who presents a danger only to themselves and does not have the apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the deputy or another person.

(d) When discharging or pointing a firearm at a person who presents a danger only to property and does not have the apparent opportunity or intent to immediately cause death or serious bodily injury to the deputy or another person.

300.4.5 DISCHARGE OF FIREARMS

Deputies are only permitted to discharge a firearm at a person in situations where deadly force is justified. Each discharge of the firearm must be justified. When feasible, deputies shall give a verbal warning that a firearm will be discharged. Prior to the decision to use a firearm, deputies

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should consider field of fire, backdrop, bystanders, potential for ricochet, and other risks of life (Washington State Office of the Attorney General Model Use of Force Policy).

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Office may require the completion of additional report forms, as specified in office policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

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

(a) The application caused a visible injury.

(b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of the conducted energy device or control device.

(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 NOTIFICATION TO INDIAN AFFAIRS

When the use of force by a deputy results in the death of a person who is an enrolled member of a federally recognized Indian tribe, notification shall be made to the Governor’s Office of Indian Affairs within a reasonable period of time, but not more than 24 hours after the office has good reason to believe the person was an enrolled member. Notice shall include sufficient information for the Governor’s Office of Indian Affairs to attempt to identify the deceased person and tribal affiliation (RCW 10.114.021).

300.5.3 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).

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300.5.4 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).

300.6 MEDICAL CONSIDERATIONS

It is the policy of the state of Washington that all law enforcement personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement (RCW 36.28.445).

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 unconsciousat a scene controlled by law enforcement (RCW 36.28A.445). 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.

See the Medical Aid and Response Policy for additional guidelines.

300.7 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:

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(a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the 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.

1. 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.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy 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.

When an incident results in death, serious bodily harm, or great bodily harm, the supervisor shall immediately contact the Office of Independent Investigations pursuant to the procedures established by the Office of Independent Investigation (RCW 43.102.120).

300.8 TRAINING

(1) All officers and supervisors shall receive training consistent with this policy at least annually. Training should:

(a) Be a combination of classroom and scenario-based learning,

(b) Include community partners, when relevant and feasible,

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(c) Incorporate cultural competency to understand disproportionately impacted communities, and how racialized experiences of policing and the criminal justice system may impact interactions with police.

(2) This policy should be incorporated into defensive tactics curricula.

300.8.1 USE OF FORCE / CERTIFIED DEFENSIVE TACTICS INSTRUCTOR

- The Skagit County Sheriff's Office will have at least one WSCJTC current Certified 6240 / 6241 Use of Force/CDT Instructor.
- The instructor(s) shall receive training consistent with the Use of Force policy at least annually.
- Use of Force / Defensive Tactics training must be taught by a WSCJTC certified instructor at least annually to all active officers.
- The Use of Force policy should be incorporated into defensive tactics curricula.

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Use of Force Review Boards

302.1 PURPOSE AND SCOPE

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

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

302.2 POLICY

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

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

302.4 REVIEW BOARD

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

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

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

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

302.4.1 COMPOSITION OF THE BOARD

The Chief Criminal Deputy should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each bureau
- Commanding officer in the involved member's chain of command
- Training Sergeant

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

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

302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

The board shall make one of the following recommended findings:

(a) The employee's actions were within department policy and procedure.

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

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

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

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the involved employee's Bureau Chief for review and appropriate action. If the Sheriff concludes that discipline should be considered, a disciplinary process will be initiated.

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

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Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

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

Because restraint devices are designed to compel, control, constrain, or restrain a person's movement, use of these devices is physical force and all considerations governing uses of physical force detailed in this policy and the Use of Force Policy apply to their use (Washington State Office of the Attorney General Model Use of Force Policy). However, physical force does not include compliant handcuffing where there is no complaint of physical pain or injury (RCW 10.120.010).

306.1.1 DEFINITIONS

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

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.

306.2 POLICY

The Skagit 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.

306.3 USE OF RESTRAINTS

Only members who have successfully completed Skagit 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.

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- 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.

Restrained persons shall be monitored while in law enforcement custody (Washington State Office of the Attorney General Model Use of Force Policy).

306.3.1 RESTRAINT OF DETAINEES

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

306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner 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 themself 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.

306.3.3 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 themself, injure the deputy, or damage property.

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

306.3.4 NOTIFICATIONS

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

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306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

306.5 APPLICATION OF SPIT 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 (Washington State Office of the Attorney General Model Use of Force Policy). Only deputies who have successfully completed agency approved training on application of a spit guard are authorized to use one.

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 shall warn the individual 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 according to the manufacturer's instructions 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.

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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.

Spit guard application should be properly documented.

306.6 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.

306.7 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).

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

(a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

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(b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on 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).

306.8 REQUIRED DOCUMENTATION

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

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Deputies shall document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person (Washington State Office of the Attorney General Model Use of Force Policy):

(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.

306.8.1 SCHOOL RESOURCE OFFICERS

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

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306.9 TRAINING

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

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Office.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg 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.

306.10 POSITIONAL ASPHYXIATION AND COMPRESSION ASPHYXIATION

Consistent with training, deputies shall take the following actions to reduce the risk of positional asphyxiation and compression asphyxiation (Washington State Office of the Attorney General Model Use of Force Policy):

(a) As soon as safe and feasible after handcuffing or otherwise restraining a person taken to the ground, roll the person to the side and move the person to an upright position that does not impede the mechanism of normal breathing, except if the person is unconscious. This requirement is especially important when the person is handcuffed in the prone position.

1. An exception is if the person is conscious and expresses a desire to be placed in a different position, the deputies shall place the person in that position unless doing so poses a substantial risk of safety to the individual, deputies, or others.

(b) Do not put prolonged pressure on the chest, neck, or back, including by sitting, kneeling, or standing.

(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) Whenever possible during team restraint when manpower limitations allow, the ranking deputy shall designate a safety officer. The safety officer shall monitor the health and welfare of the person until:

1. Responsibility is transferred to a health care professional (e.g., emergency medical technician (EMT), paramedic); or

2. The person is placed in a seated position in a transport vehicle and verbalizes to the safety officer that the person feels okay, and the person appears to the safety officer to be well and speaking normally.

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(e) If the safety officer becomes aware of an issue with the person's breathing, color, or any impairment, the safety officer shall inform the ranking deputy.

(f) Do not transport a restrained person in the prone position.

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Control Devices and Techniques

307.1 PURPOSE AND SCOPE

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

307.1.1 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).

Projectile Impact Weapon: a less lethal weapon that fires projectiles such as 40mm sponge or foam rounds, pepperball or similar projectile, blast balls or bean bag designed to temporarily incapacitate a person.

307.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Skagit County Sheriff's Office authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. Deputies shall use all tools in accordance with training, the equipment manufacturer's instructions and at ranges that are consistent with the manufacturer's guidelines.

307.2.1 IMPACT DEVICE TARGET AREAS

PRIMARY AREA: These areas will be considered when incapacitation is necessary and minimal potential for injury is the appropriate response:

(a) Arm below the elbow (excluding hands and wrists),

(b) Thigh,

(c) Buttocks,

(d) Lower leg.

SECONDARY AREA: Deputies may consider these areas if the use of force is reasonable and efforts to subdue the suspect using primary target areas are ineffective, acknowledging an increase in the potential for serious injury:

(a) Upper arm,

(b) Knee,

(c) Hands,

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(d) Back of shoulder,

(e) Lower Abdomen.

TERTIARY AREA: Deputies should avoid impact to these areas unless the use of deadly force is justified:

(a) Head,

(b) Neck,

(c) Chest

(d) Groin

(e) A person situated on an elevated surface and reasonable efforts have been made to prevent or minimize a fall-related injury.

307.3 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 the 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.

Officers shall not use an impact weapon to intimidate a person when an impact weapon warning is not justified by the threat presented.

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

Officers shall reassess the effectiveness of impact weapon strikes as soon as safe and feasible, and if not effective, move to another appropriate target or to another tactical or physical force option.

307.4 PROHIBITED CONTROL DEVICES

Effective July 25, 2021, this Office may not acquire nor may any member use control devices that include rifles of .50 caliber or greater, long range acoustic hailing devices, bayonets, directed energy systems, and electromagnetic spectrum weapons (RCW 10.116.040)

"Rifle" has the same meaning as provided under RCW 9.41.010, except "rifle" does not include: Any shotgun, as defined under RCW 24 9.41.010; any device designed or used to deploy less lethal munitions including, but not limited to, rubber, bean bag, soft nose, sponge, or other nonpenetrating impact rounds; or any less lethal equipment.

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307.5 RESPONSIBILITIES

307.5.1 SHIFT SERGEANT RESPONSIBILITIES

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

307.5.2 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.

307.5.3 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.

307.6 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. Deputies shall not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is justified. Deputies shall reassess the effectiveness of baton strikes as soon as safe and feasible, and if not effective, move to another appropriate target or to another tactical or physical force option. Deputies shall not use a baton to intimidate a person when a baton warning is not justified by the threat presented (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy).

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

307.7 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.

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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 (Washington State Office of the Attorney General Model Use of Force Policy).

307.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or external carrier. 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.

307.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the use of deadly force is justified (see the Use of Force Policy).

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

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

307.7.3 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 (Washington State Office of the Attorney General Model Use of Force Policy). Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

307.8 POST-APPLICATION NOTICE

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

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307.9 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 (Washington State Office of the Attorney General Model Use of Force Policy). 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.

307.9.1 DEPLOYMENT AND USE

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

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

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

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

307.9.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

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A deputy should target the buttocks, thigh, calf, and large muscle groups (Washington State Office of the Attorney General Model Use of Force Policy). Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances. 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. Deputies should not use kinetic energy projectiles in the following circumstances unless the use of deadly force is justified (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy):

(a) When intentionally aiming kinetic energy projectiles at the head, neck, chest, or groin.

(b) At ranges that are inconsistent with the projectile manufacturer's guidelines.

(c) Directed at a person who is situated 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).

A deputy deploying kinetic energy projectiles shall assess the effectiveness of the projectiles after each shot. If subsequent projectiles are needed, the deputy should consider aiming at a different targeted area.

307.9.3 SAFETY PROCEDURES

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

Deputies will inspect the launcher and projectiles at the beginning of each shift to ensure that the launcher 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 launcher will be unloaded and properly and securely stored in the vehicle.

307.10 TRAINING FOR CONTROL DEVICES

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained, 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.

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307.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

307.12 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 Shift Sergeant, Incident Commander, or North Cascade Regional SWAT 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.

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Conducted Energy Device

308.1 PURPOSE AND SCOPE

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

308.1.1 DEFINITIONS

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

Conducted energy device - A portable device that fires darts/electrodes that transmit an electrical charge or current intended to temporarily immobilize a person.

308.2 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.

308.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed office-approved training and have demonstrated satisfactory skill and proficiency may be issued and 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 (Washington State Office of the Attorney General Model Use of Force Policy).

The CED instructor should keep a log of issued CEDs and the serial numbers of 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.

A deputy shall carry a CED in a holster on the support side of the body, and in all but extreme circumstances, shall draw, exhibit, and use the device with the support (i.e., non-handgun firing) hand (Washington State Office of the Attorney General Model Use of Force Policy).

(a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.

(b) For single-shot devices, 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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308.4 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 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.

308.5 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.

If sufficient personnel are available and can be safely assigned, a deputy designated as lethal cover for any deputy deploying a CED may be considered for officer safety.

308.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the deputy at the time indicate that such application reasonably 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, themself, 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.

308.5.2 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 (Washington State Office of the Attorney General Model Use of Force Policy):

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(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 who are situated 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 known to be located 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 (Washington State Office of the Attorney General Model Use of Force Policy).

308.5.3 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.

308.5.4 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 (Washington State Office of the Attorney General Model Use of Force Policy). 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:

(a) Whether it is reasonable to believe that 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.

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(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 the deputy has used a CED three times against a person and the person continues to be a threat, as the CED may not be effective against that person (Washington State Office of the Attorney General Model Use of Force Policy).

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the deputy must pull the trigger twice to deploy two probes to create the possibility of a change in behavior, such as neuro-muscular incapacitation.

308.5.5 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. As soon as practicable, 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.

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

308.5.7 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.

308.6 DOCUMENTATION
Deputies shall clearly articulate and document the justification for each individual application of the CED in the related arrest/crime reports and the CED report forms (Washington State Office of the Attorney General Model Use of Force Policy). Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. 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 on the report form. 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.

308.6.1 CED REPORT FORM
As applicable based on the device type, items that shall be included in the CED report form are:

(a) The brand, model, and serial number of the CED and any cartridge/magazine.

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(b) Date, time, and location of the incident.

(c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.

(d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the CED was used.

(f) The type of mode used (e.g., probe deployment, drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any deputies sustained any injuries.

The CED instructor should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The CED instructor should also conduct audits of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

308.6.2 REPORTS

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

(a) Identification of all personnel firing CEDs

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication, or other medical problems

308.7 MEDICAL TREATMENT

At the earliest safe opportunity at a scene controlled by law enforcement, deputies trained in probe removal and handling shall 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 technician (EMT), paramedic, or other health care professional (Washington State Office of the Attorney General Model Use of Force Policy). 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, who have been 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

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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 transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio/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).

308.8 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 CED instructor 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.

308.9 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 six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

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 CED instructor. All training and proficiency for CEDs will be documented in the deputy's training files.

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

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

The CED instructor 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 should not be mandatory for certification.

The CED instructor 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 to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes 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) Restraint techniques that do not impair respiration following the application of the CED.

(i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.

(j) Proper tactics and techniques related to multiple applications of CEDs.

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Officer-Involved Shootings and Deaths

309.1 PURPOSE AND SCOPE

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

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

309.2 POLICY

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

309.3 TYPES OF INVESTIGATIONS

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

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

309.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies will be assigned to work on the criminal investigation of officer-involved shootings and deaths under the Skagit and Island Multiple Agency Response Team (SMART). No member of the involved agency may participate in the criminal investigation for officer involved deadly use of force incidents where serious bodily harm, great bodily harm, or death has occured.

309.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the person against whom deadly force was used will generally be investigated by SMART at the discretion of the Sheriff.

If multiple crimes have been committed in multiple jurisdictions, the investigation will generally be conducted by SMART, at the discretion of the Sheriff and with concurrence from the other agencies.

309.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved deputy’s conduct during the incident will be determined by the SMART protocol. When a deputy from this office is involved, the criminal investigation will generally be handled by SMART..

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Requests made of this office to investigate a shooting or death involving an outside agency's officer shall be referred to the Sheriff or the authorized designee for approval but will generally be referred to SMART

309.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION
Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency. No information from the civil or administrative investigation shall be furnished to the criminal investigation without prior approval from the Prosecuting Attorney's Office.

309.4.4 OFFICER/DEPUTY USE OF FORCE INVESTIGATIONS
Where the use of deadly force by a deputy results in death, substantial bodily harm, or great bodily harm, an investigation shall be completed by the independent investigative team (SMART) that is independent of the Office and meets the independent investigations criteria of the Criminal Justice Training Commission (RCW 10.114.011; WAC 139-12-020; WAC 139-12-030).

309.5 INVESTIGATION PROCESS

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

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

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the 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.

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

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

    1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any SCSO deputy to immediately provide public safety information necessary to secure the scene, identify injured parties, and pursue suspects.

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1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses, and any other pertinent information.
2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Shift Sergeant and Skagit 911. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional SCSO members until properly relieved by another supervisor or other assigned personnel or investigator.

1. If the incident involved the use of deadly force that resulted in death, substantial bodily harm, or great bodily harm, contact the appropriate independent investigation team (WAC 139-12-030).

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved SCSO deputy should be given an administrative order not to discuss the incident with other involved officers or SCSO members pending further direction from a supervisor.
2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that the officer is provided with a comparable replacement weapon or transported by other deputies.

309.5.3 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Sheriff
- Criminal Investigations Bureau Chief
- Skagit Multiple Agency Response Team
- Outside agency investigators (if appropriate)
- Internal Affairs Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer
- CJTC - Using Form CJ1915 Per RCW 43.101.105 within 15 Days

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309.5.4 INVOLVED OFFICERS
The following shall be considered for the involved officer:

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

1. Involved SCSO deputies shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

2. Requests from involved non-SCSO officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.

(d) A licensed psychotherapist shall be provided by the Office to each involved SCSO deputy. A licensed psychotherapist may also be provided to any other affected SCSO members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.

2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Communications between the involved deputy and a peer support member or a peer support group counselor is addressed in the Wellness Program Policy.

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

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

309.6 CRIMINAL INVESTIGATION

The Skagit and Island Multi-agency Response Team (SMART) is generally responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

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

(a) SCSO supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of SCSO deputies.

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(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved deputies shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced or compelled statement will be provided to any criminal investigators without prior authorization from the Prosecuting Attorney's Office.

309.6.1 REPORTS BY INVOLVED SCSO DEPUTIES

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

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

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

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

309.7 ADMINISTRATIVE INVESTIGATION

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

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

(a) Any deputy involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

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(b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.

1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of his or her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved deputy has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy’s physical and psychological needs have been addressed before commencing the interview.

2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

3. Administrative interviews should be recorded by the investigator. The deputy may also record the interview.

4. The deputy shall be informed of the nature of the investigation. If a deputy refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

5. The Internal Affairs 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.

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309.8 CIVIL LIABILITY RESPONSE

A member of this office may be assigned to work exclusively 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.

309.9 AUDIO AND VIDEO RECORDINGS

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

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

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

309.10 DEBRIEFING

Following an officer-involved shooting or death, the Skagit County Sheriff's Office should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

309.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

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

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

Attendance at the debriefing shall only include those members of the 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 Internal Affairs Unit personnel.

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309.10.2 TACTICAL DEBRIEFING

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

309.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and office representative responsible for each phase of the investigation. Releases will be available to the Shift Sergeant, Criminal Investigations Bureau Chief and Public Information Officer in the event of inquiries from the media.

No involved SCSO deputy shall make any comment to the media unless he/she is authorized by the Sheriff or a Bureau Chief.

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

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BOLA WRAP POLICY

310.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of BolaWrap™ devices in order to minimize injury to suspects, subjects, and officers.

310.2 POLICY

The BolaWrap™ device is intended to immobilize and control resistive/non-compliant people. The BolaWrap™ is also intended to control violent or potentially violent individuals. The BolaWrap™ is a hand-held remote restraint device that discharges and bola style Kevlar tether to entangle an individual at an optimal range of 10-25 feet.

310.3 ISSUANCE AND CARRYING BOLAWRAP DEVICES

- Only a department-approved BolaWrap™ device that has been issued by the Department shall be utilized by personnel.
- Only members who have successfully completed department-approved training may be authorized to carry and deploy the BolaWrap™ device.
- All BolaWrap™ devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- Uniformed and non-uniformed sworn staff who have been authorized to carry the BolaWrap™ device shall wear the device in an approved holster on their person or keep the device safely & properly stored in their vehicle.
- Officers shall be responsible for ensuring that their BolaWrap™ device is properly maintained and in good working order.
- Officers shall not hold both a firearm and the BolaWrap™ device at the same time.

310.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the BolaWrap™ device should precede its application unless it would otherwise endanger the safety of officers 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 officers and individuals with a warning that the BolaWrap™ device may be deployed.

The aiming laser should never be intentionally directed into a person's eyes as it may permanently impair his/her vision. The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the BolaWrap™ device in the related report

310.5 USE OF THE BOLAWRAP DEVICE

The BolaWrap™ device has limitations and restrictions requiring consideration before its use. The device should only be used when its operator can safely approach the subject within the

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ideal operational range of 10 to 25 feet. The minimum recommended standoff distance is 10 feet. Officers should be aware that the device may not achieve the intended results and be prepared to transition to other force options.

310.6 APPLICATIONS OF THE BOLAWRAP DEVICE

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

(a) The subject is violent or is physically resisting.

(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself, or others. Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the BolaWrap™ device to apprehend an individual.

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

310.7 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known, or believed, to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c)Individuals who are handcuffed or otherwise restrained.

(d) Individuals detained in a police vehicle.

(e) Individuals in confined spaces that may prohibit the eight-foot-wide tether expansion.

(f) Individuals in danger of becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.

(g) Individuals near any body of water that may present a drowning risk.

(h) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles)

The BolaWrap™ device shall not be used to psychologically torment, elicit statements or to punish an individual.

310.8 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the

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application of the BolaWrap™ device to a precise target area officers should monitor the condition of the subject if it strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

310.9 ACTIONS FOLLOWING DEPLOYMENTS

The expended hooked anchors should be collected and submitted into evidence

310.10 DANGEROUS ANIMALS

The BolaWrap™ device should not be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, etc. This device is not intended for use against animals. However, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective, the BolaWrap™ may be deployed to protect against harm to suspects, subjects and officers.

310.11 REPORTING THE USE OF THE BOLAWRAP

- Officers shall notify a supervisor as soon as practical when the BolaWrap™ is deployed.
- The deployment of the BolaWrap™ shall be documented by the deputy.
- The supervisor shall determine whether further documentation of the incident is necessary, in accordance with department policy.

310.12 OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry department BolaWrap™ devices while off-duty

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

310.13 REPORTS

The officer should include the following in the appropriate police report:

(a) Identification of all personnel firing BolaWrap™ devices.

(b) Identification of all witnesses.

(c) Whether or not injuries were sustained by involved parties.

(d) Any medical care provided to any affected subjects.

(e) Observations of the subject's physical and physiological actions.

(f) Any known or suspected drug use, intoxication or other medical problems.

310.14 MEDICAL TREATMENT

All persons who have been struck by BolaWrap™ device shall be medically assessed as soon as practical and prior to booking. Additionally, any individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel

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(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant or states they are pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The BolaWrap™ device pellets 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 shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio or BWC recording is made of the contact or an interview with the individual, any refusal should be included, if possible. The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the BolaWrap™ device.

310.15 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is likelihood the BolaWrap™ device may be used.

A supervisor should respond to all incidents where the BolaWrap™ device was deployed. A supervisor should review each incident where a person has been exposed to a deployment of the BolaWrap™ device

310.16 TRAINING

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

Proficiency training for personnel who have been authorized to carry BolaWrap™ devices should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Bureau. All training and proficiency for BolaWrap™ devices will be documented in the officer's training file.

Officers who do not carry BolaWrap™ devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device

The Training Division is responsible for ensuring that all members who carry BolaWrap™ devices have received initial and annual proficiency training. Application of BolaWrap™ devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Bureau should ensure that all training includes

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(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Device nomenclature, function, manipulation, deployment, storage and maintenance.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of pellets near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the BolaWrap™ device and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the BolaWrap™ device.

310.17 DOCUMENTATION

All BolaWrap™ device discharges shall document the following:

(a) The BolaWrap™ device & cartridge serial numbers.

(b) Date, time and location of the incident.

(c) Whether any display or laser deterred a subject and gained compliance.

(d) The number of BolaWrap™ device activations and the duration between activations, and (as best as can be determined).

(e) The range at which the BolaWrap™device was used.

(f) Location of any deployments impact.

(g) Whether medical care was provided to the subject.

(h) Whether the subject sustained any injuries.

(i) Whether any officers sustained any injuries.

The Training Bureau should periodically analyze the report forms to identify trends, including deterrence and effectiveness.

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Firearms

311.1 PURPOSE AND SCOPE

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

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

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

311.1.1 DEFINITIONS

Firearm: A weapon with lethal ammunition carried by an officer that meets the firearm specifications of the agency or that has been authorized as a specialty firearm by the leadership of the law enforcement agency

Sworn Deputies: For purposes of this section, "Sworn" deputies shall be considered full time fully commissioned law enforcement personnel.

.Rangemaster: The Rangemaster is the person appointed by the Sheriff, or his designee, to supervise the Sheriff's Office range program. The supervisor will normally be the rank of sergeant or higher. Duties of the Rangemaster include scheduling of range personnel in cooperation with the Training Sergeant, documenting employee training, developing range lesson plans, scheduling of range dates and other duties as assigned by the Patrol Lieutenant.

. Range Officer: The Range Officer position is a tested specialty position. Range Officers provide employee training in firearms and are supervised by the Rangemaster.

. Armorer: An armorer is a member, contract employee or vendor, certified to repair firearms. The certification shall be issued by the specific firearm manufacturer or CJTC approved course instructor. Armorers shall only repair or modify firearms for which they are certified to repair.

311.2 POLICY

The Skagit 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.

311.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

A firearm is a weapon with lethal ammunition carried by a deputy that meets the firearm specifications of the Office or that has been authorized as a specialty firearm by the Sheriff or the authorized designee (Washington State Office of the Attorney General Model Use of Force Policy). Members shall only use firearms that are issued or approved by the Office and have been thoroughly inspected by the Rangemaster.

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All other weapons not provided by the Office may not be carried by members in the performance of their official duties without the express written authorization of the member's Bureau Chief including but not limited to:

(a) Edged weapons.

(b) Chemical or electronic weapons.

(c) Impact weapons.

(d) Any weapon prohibited, or restricted by law, or that is not covered elsewhere by office policy.

This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

311.3.1 FIREARMS

All firearms shall be deployed consistent with department training.

When not deployed, firearms shall be properly secured consistent with department training.

311.3.2 PERSONALLY OWNED DUTY FIREARMS

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

(a) The firearm shall be in good working order and on the office list of approved firearms.

(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.

(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

311.3.3 AUTHORIZED SECONDARY HANDGUN

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

(a) The handgun shall be in good working order and on the office list of approved firearms.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Office.

(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

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(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 as office issue. If the caliber of the handgun is other than office issue, the Sheriff or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

311.3.4 AUTHORIZED OFF-DUTY FIREARMS

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

(a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry office-authorized ammunition.

(i) When armed, deputies shall carry their badges and Skagit County Sheriff's Office identification cards under circumstances requiring possession of such identification.

311.3.5 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

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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.

311.3.6 PROHIBITED FIREARMS AND ARMED EQUIPMENT
The Sheriff's Office may not acquire nor may any member use firearms and ammunition of.50 caliber or greater, machine guns, armed helicopters, armed or armored drones, armed vessels, armed vehicles, armed aircraft, tanks, rockets, rocket launchers, grenades, or missiles (WA SB 1054 2021)

311.4 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.

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

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

311.4.2 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.

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

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

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311.4.4 TACTICAL LIGHTS

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

311.5 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) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(e) 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.

(f) 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.

311.5.1 INSPECTION

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

311.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit office-

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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.

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

311.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training every trimester with their duty firearms. In addition to trimester 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.

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

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

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

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:

1. Unauthorized range make-up.
2. Failure to meet minimum standards or qualify after remedial training.

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

311.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved 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.

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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 Bureau Chief 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.

311.7.1 DESTRUCTION OF ANIMALS

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

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, office members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, 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.

311.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

311.8 RANGEMASTER DUTIES

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

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

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

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

311.8.1 INVENTORY OF FIREARMS
The Rangemaster shall conduct an annual inventory of all office-owned firearms and submit a report for acknowledgement by the Sheriff.

311.9 FLYING WHILE ARMED

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

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

(b) Deputies must carry their Skagit 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 Skagit 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 Skagit 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.

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(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.

311.10 CARRYING FIREARMS OUT OF STATE

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

(a) The deputy shall carry his/her Skagit 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).

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.

311.11 LIMITED COMMISSION EMPLOYEES

Limited commissioned employees may carry an office handgun while on duty with approval of the Sheriff.

If approved, the requesting employee is required to complete all office approved training and must meet office qualifications standards, prior to carrying the handgun.

Limited commission employees will not be required to carry a handgun unless required by their position.

Limited commissioned employees shall not carry their department issued firearm off duty.

Limited commissioned employees shall abide by the policies related to use of force and firearms set forth in the Sheriff's Office Policy Manual unless specifically outlined in this section.

Limited commissioned employees may use deadly force in accordance with current state law.

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Firearms

Limited commission employees shall not carry or use any office firearm or specialty impact weapon without permission from the Sheriff or his designee and not until all required office training is completed.

Limited commission employees who choose to be armed will not be used to augment or assist other law enforcement officers with incidents or situations that are not primarily related to their job position.

Limited commission employees shall qualify at least annually with the department owned weapon.

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Vehicle Pursuits

313.1 PURPOSE AND SCOPE

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

313.2 DEFINITIONS

Definitions related to this policy include:

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

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

Intentional Intervention - The deliberate striking of another vehicle with a patrol vehicle(s) for the purpose of mechanically stopping the fleeing suspect vehicle.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to apply lateral pressure to the rear quarter panel of a fleeing vehicle, causing it to spin out, stall, and come to a stop - (also known as a Precision Immobilization Technique).

Ramming - The deliberate act of impacting a fleeing vehicle with another vehicle to functionally damage or otherwise force the fleeing vehicle to stop.

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

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

Tire deflation device - A device designed to be placed on the roadway to puncture the tires of the pursued vehicle, including stop sticks, or spike strips.

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 pinning - Use of a law enforcement vehicle with the deliberate, measured application of positive pressure without causing damage, near or against a vehicle, with the intent of preventing the vehicle from moving or fleeing from law enforcement

Vehicle pursuit - An attempt by a uniformed peace officer 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 officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer'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 officer. (RCW 10.116.060).

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313.3 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.

313.4 DEPUTY RESPONSIBILITIES

Vehicle pursuits shall only be conducted by deputies under the policies set forth under this policy 313.

Deputies shall drive with due regard for the safety of all persons and property and under the criteria set forth in this policy. Subject to the requirements set forth in this policy, when in pursuit of a suspected violator of the law, under RCW 46.61.035 a deputy may with due regard for the safety of all persons and property:

(a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation,

(b) Exceed the speed limit so long as he or she does not endanger life or property, or

(c) Disregard regulations governing direction of movement or turning in specified directions.

313.5 PURSUIT VEHICLES

Vehicle pursuits shall only be conducted using authorized sheriff's office emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law. Each pursuit unit's emergency lights and sirens should remain activated throughout the unit's participation in the pursuit.

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

Vehicle pursuits should be limited to three sheriff's office emergency vehicles -(two pursuit units and the supervisor vehicle). However, the number of vehicles involved may vary with the circumstances. This number does not include those vehicles providing traffic control, perimeter, or not involved in the pursuit.

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

313.5.1 MOTORCYCLES

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

313.5.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Deputies operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Deputies in such vehicles may provide support to pursuing

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vehicles as long as the vehicle is operated in compliance with all traffic laws. Those deputies should discontinue such support immediately upon arrival of a sufficient number of authorized emergency sheriff's office vehicles or any air support.

313.6 INITIATING / ENGAGING IN A PURSUIT

Deputies may not initiate or engage in a pursuit unless (RCW 10.116.060):

(a) When reasonable suspicion exists that a person in the vehicle has violated the law, AND,

(b) The pursuit is necessary for the purpose of identifying or apprehending the person, AND

(c) The person poses a serious risk of harm to others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicle pursuit under the circumstances, AND,

1. The pursuing deputy notifies a supervising deputy immediately upon initiating the vehicular pursuit, AND,
2. there is supervisory oversight of the pursuit, AND,
3. the pursuing deputy, in consultation with the supervising deputy, considers
   - i. alternatives to the vehicular pursuit, AND,
   - ii. the justification for the vehicular pursuit, AND,
   - iii. other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle.

The pursuing deputy and supervisors must objectively, initially and continuously weigh the vehicle pursuit factors set forth in this policy and the matrix below The following matrix is an illustrative example of, when considering the totality of the circumstances, balancing the need for identifying/ apprehending against the danger the pursuit poses to the community and/or the safety of others. Please note that one or more risk factors may be present and the examples listed are non-exhaustive.

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Criminal Offense	Risk Factors Low	High
Felonies involving physical harm to a person or DUI	May pursue if pursuit is not more dangerous than offense, continue to assess	May pursue if pursuit is not more dangerous than offense, continue to assess
Any other felony offense and mandatory arrest offenses	May pursue if pursuit is not more dangerous than offense, continue to assess	Pursuit not authorized
Other criminal offenses	May pursue if pursuit is not more dangerous than offense, continue to assess	Pursuit not authorized

Notwithstanding any other provision of this section, *a vehicular pursuit that poses a greater public safety risk than the public safety risk of failing to apprehend or identify the person* must be immediately terminated, without exception.

High Risk Factors include, but are not limited to:

- Locations with a high density of intersecting streets such as in an urban area.
- Use of an unmarked law enforcement vehicle as the primary vehicle in the pursuit.
- Poor weather conditions.
- Significant pedestrian traffic.
- Congested vehicle traffic.
- Speeds of at least twice the posted speed limit.
- Nearby School zones.
- No supervisor is available.

Low Risk Factors include, but are not limited to:

- Locations with a low density of intersecting streets, such as in suburban or rural areas.
- Use of a marked law enforcement vehicle as the primary vehicle in the pursuit.
- Clear weather conditions.
- Light pedestrian traffic.

The risk factors listed above are for illustrative purposes. Other factors may be considered in whether to engage in a vehicular pursuit and whether pursuit should be terminated if factors change.

The pursuing deputy and the supervising deputy shall determine the appropriate number of vehicles permitted to participate in the vehicular pursuit given the pursuit factor set forth in this policy.

The supervising deputy, the pursuing deputy, or dispatcher shall notify other law enforcement agencies or surrounding jurisdictions that may be impacted by the vehicular pursuit or called upon

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to assist with the vehicular pursuit, and the pursuing deputy and the supervising deputy, shall comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable.

The pursuing deputy must be able to directly communicate with other deputies engaging in the pursuit, the supervising deputy and the dispatch agency, such as being on a common radio channel or having other direct means of communication.

As soon as practicable after initiating a vehicular pursuit, the pursuing deputy, supervising deputy, or responsible agency shall develop a plan to end the pursuit through the use of available pursuit intervention options, such as the use of the pursuit intervention technique, deployment of tire deflation devices, or other department authorized pursuit intervention tactics.

The pursuing deputy must have completed an emergency vehicle operator's course, must have completed updated emergency vehicle operator training in the previous two years, where applicable, and must be certified in at least one pursuit intervention option. Emergency vehicle operator training must include training on performing the risk assessment provided in subsection 313.6(c) above

313.7 PURSUIT TERMINATION

Deputies shall terminate a pursuit when the risk to the public or law enforcement officers outweighs the need for immediate apprehension of the suspect or when directed to by a supervisor as directed by this policy.

313.8 UNIT AND PARTICIPANT RESPONSIBILITIES

313.8.1 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

The primary pursuing deputy should activate a body worn camera or video and/or audio recording device if equipped on his person or the vehicle promptly upon making the decision to commence a pursuit.

The primary pursuing deputy shall notify a supervisor immediately upon initiating a vehicle pursuit. The deputy and the supervisor shall consider alternatives to continuing a vehicle pursuit.

As soon as practicable, the primary unit shall notify Skagit 911 that a vehicle pursuit has been initiated, commencing with a request for priority radio traffic, and as soon as practical provide information including, but not limited to:

(a) Reason for the pursuit.

(b) Location and direction of travel.

(c) Speed of the fleeing vehicle.

(d) Description of the fleeing vehicle and license number, if known.

(e) Number of known occupants and identity/description.

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(f) Road and weather conditions.

(g) Information concerning known or suspected use of weapons or firearms, threat of force, injuries, hostages or other unusual hazards.

(h) The need for any additional resources or equipment.

(i) The identity of other law enforcement agencies involved in the pursuit.

(j) Description of the fleeing vehicle's evasive driving behavior (e.g., rapid lane changes, no headlights, driving on the wrong side of the road).

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.

313.8.2 SECONDARY UNIT(S) RESPONSIBILITIES

The secondary deputy in the pursuit should do the following:

(a) Immediately notify the dispatcher of entry into the pursuit.

(b) Remain a safe distance behind the primary unit unless directed to assume the role of primary deputy, or if the primary unit is unable to continue the pursuit.

(c) The secondary deputy should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

(d) Broadcasting information that the primary pursuing deputy is unable to provide.

(e) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.

(f) Identifying the need for additional resources or equipment as appropriate.

(g) Serving as backup to the primary pursuing deputy once the suspect has been stopped.

Additional units in the pursuit should:

(a) Remain a safe distance behind the primary unit unless directed to assume the role of primary deputy, or if the primary unit is unable to continue the pursuit.

(b) Identify the need for additional resources or equipment as appropriate.

(c) Serving as backup to the primary pursuing deputy once the suspect has been stopped.

(d) Assume the position and responsibility of the primary or secondary unit if they are unable to continue in the pursuit or at the direction of the supervising deputy.

313.8.3 SUPERVISORY CONTROL AND RESPONSIBILITIES

Supervisor authorization and control is required for a deputy from this office to engage in a pursuit. The supervisor in consultation with the pursuing deputy must consider alternatives to the vehicular pursuit. The supervisor must consider the justification for the vehicular pursuit and other safety

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considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle, and the vehicular pursuit must be terminated if any of the requirements of the policy on when to initiate a pursuit are not met (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. This is to ensure that the pursuit is conducted within established office guidelines.

(b) Engage in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

(f) Requesting that assistance from air support, canines, or additional resources is requested, if available and appropriate.

(g) Varifying that the proper radio channel is being used.

(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this office.

(i) Controlling and managing Skagit County Sheriff's Office deputies when a pursuit enters another jurisdiction.

(j) Preparing a post-pursuit review and documentation of the pursuit as required.

(k) Review all pertinent reports for content and forward them to the Lieutenant.

(l) Assessing the emotional state of the deputies involved and directing a deputy to disengage from the pursuit if it appears they are unable to control their emotions.

313.8.4 DEPUTIES NOT INVOLVED IN THE PURSUIT

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

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

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313.8.5 SKAGIT 911

Radio communications during a pursuit should 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 units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

313.8.6 SHIFT SUPERVISOR RESPONSIBILITIES

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

313.9 PURSUIT DRIVING AND PARTICIPATION

The decision to use specific driving tactics requires the same assessment of the factors the deputy considered when determining whether to engage in and/or terminate a pursuit.

313.9.1 PURSUIT DRIVING FACTORS

The following are factors or tactics for deputies involved in the pursuit should consider:

(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) Pursuing units should space themselves far enough from other involved vehicles to be able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle.

(c) Because intersections can present increased risks, the following tactics should be considered:

1. Pursuing deputies should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.

(d) Deputies should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway unless circumstances indicate that it is a reasonable course of action. 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.

(e) Notify the Washington State Patrol or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(f) Deputies involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing deputy. Passing another pursuit vehicle shall only be done with a clear understanding of the maneuver process between the involved deputies.

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313.9.2 RULES OF THE ROAD COMPLIANCE EXCEPTIONS

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

(a) Proceed past a red light or stop signal or stop sign but only after slowing down as may be necessary for safe operation.

(b) Exceed the speed limit.

(c) Disregard regulations governing direction of movement or turning in specified directions.

313.9.3 PURSUIT TRAILING

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

313.9.4 AIR SUPPORT ASSISTANCE

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

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

313.10 TERMINATING PURSUIT

The factors considered when initiating a pursuit should be continually re-evaluated by pursuing units during the pursuit, as the circumstances and conditions change, and as new information becomes available. If at any time the risk of continuing the pursuit outweighs the need to immediately apprehend the suspect, the pursuit should be terminated.

In addition, a pursuit should be terminated when:

(a) A supervisor directs a pursuit to be terminated.

(b) The location of the fleeing vehicle is no longer known.

(c) The distance between the pursuing units and the fleeing vehicle is so great that the further pursuit would be futile or would continue for an unreasonable time and or distance.

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(d) The pursuing unit sustains damage or a mechanical failure that makes it unsafe to drive or renders the emergency lighting and sirens partially or completely inoperable and there are no additional units readily available to take over the pursuit.

(e) When those involved in the pursuit lose radio communication.

When a pursuit terminates for any reason, all pursuit units should verbally acknowledge termination, turn off emergency lights and sirens, reduce their speed, and obey all traffic laws. The primary unit should communicate the location of pursuit termination to the dispatcher.

313.10.1 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.

313.10.2 APPREHENSION OF SUSPECTS

Deputies should exercise proper self-discipline and sound professional judgment at the conclusion of a pursuit and while apprehending the suspect.

Unless otherwise directed by a supervisor, a deputy other than the primary unit should coordinate efforts to apprehend the suspect following the pursuit.

313.11 INTERJURISDICTIONAL CONSIDERATIONS

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

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

313.11.1 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 Skagit 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

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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.

313.11.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Deputies should not join pursuits being conducted by other police agencies, unless the agency requests Skagit County Sheriff's Office assistance or the pursuing agency has only a single unit in the pursuit and after approval from a supervisor. Supervisors shall authorize Skagit County Sheriff's Office deputies to assist in other police agencies' pursuits only if that supervisor knows that the criteria of the pursuit are met under this policy.

A soon as practicable, a supervisor will review a request for assistance from another agency taking into consideration:

(a) Whether the need to apprehend the fleeing suspect outweighs the risks of the pursuit to deputies and the public.

(b) Whether there is adequate staffing to continue the pursuit.

(c) The available units' capabilities to maintain the pursuit.

(d) The number of available units and other resources of the pursuing agency.

The supervisor,after considering the above factors,may decline to assist in or assume the other agency's pursuit.

The supervisor shall continue to monitor the pursuit and terminate the involvement of Skagit County Sheriff's Office deputies if the pursuit is found to violate this policy.

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

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

313.12 PURSUIT INTERVENTION

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

Pursuit interventions may be construed as a use of force, including deadly force, and are subject to the policies guiding such use. Deputies should consider the guidelines for the use of force when deciding how, when, where, and if a pursuit intervention should be employed. Refer to the Use of Force Policy for additional guidance.

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As soon as practicable after initiating a pursuit, the primary pursuing deputy and supervisor, if available, shall develop a plan for the termination of the pursuit using available intervention options (RCW 10.116.060).

313.12.1 WHEN USE IS AUTHORIZED

As soon as practicable after initiating a pursuit, the primary pursuing deputy and supervisor, if available, shall develop a plan for the termination of the pursuit using available intervention options (RCW 10.116.060).

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

313.12.2 USE OF FIREARMS

A deputy may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. A vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the deputy (see the Use of Force Policy) (RCW 10.116.060)

Imminent threat of serious physical injury or death means that, 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 alaw enforcement officer or another person.

313.12.3 PREVENTION METHOD/TACTICS

Vehicle Pinning is the deliberate, measured application of positive pressure against a vehicle by a police vehicle, with the intent of preventing the vehicle from moving or fleeing from the police vehicle. Vehicle Pinning can be used by deputies in situations where they determine, based upon the totality of circumstances, that it is the best tactic for pursuit prevention. In some circumstances, Vehicle Pinning could be used as a method of Intentional Intervention (see below).

Deputies using Vehicle Pinning should establish that they have the legal authority to perform this act, as Vehicle Pinning is considered a seizure. Deputies should be in vehicles equipped with emergency lights and should, at the appropriate time, active emergency lighting.

Spike Strips, Piranhas, or other improvised tools may be used as part of pursuit prevention and should be deployed in a manner consistent with these tools (see below).

Under most circumstances, a Police Traffic Collision Report (PTCR) will not be completed for Vehicle Pinning unless contact between vehicles occurs.

The use of Vehicle Pinning on a stationary vehicle when no damage occurs is not considered a use of force.

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313.12.4 INTERVENTION METHODS/TACTICS

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

There are five methods of intervention: (1) Pursuit Immobilization Technique; (2) Spike Strips; (3) Intentional Intervention; (4) Roadblocks; (5) Boxing-in.

(a) The Pursuit Immobilization Technique (PIT) is a method of forcible stop used to bring pursuits to a conclusion, and is considered a use of force. PIT is a forced rotational vehicle stop of a non-compliant suspect in an effort to end the suspect's flights and to ensure public safety. The PIT shall not be used on motorcycles unless deadly force is justified. The PIT can be used over 40 MPH under the same requirements as stated below, however, it could be considered a use of deadly force. Only those deputies trained in the use of the Pursuit Immobilization Technique will be authorized to use this procedure. Deputies should use the following considerations when considering the use of the PIT :

1. Speed of the fleeing vehicle - Conducting a PIT while traveling at high speeds increases the risk of the suspect of deputy losing control of their vehicle.
2. Road conditions - Because the intention of a PIT is to cause the fleeing vehicle to spin out by reducing the friction between the tires and the roadway, the material of the roadway (e.g., pavement, gravel, dirt) and sight assessment (blind curves, bridge abutments, major obstacles, road shoulders, oncoming traffic, pedestrians, bicyclists and wet or icy conditions) should be considered.
3. Characteristics of the deployment area - A PIT should not be attempted in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
4. Characteristics of the fleeing vehicle - A PIT should not be used when the pursued vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children. The increased risk of rolling over should be evaluated on vehicles with a high center of gravity.
5. Number of pursuit units - A PIT should not be used unless there is a sufficient number of pursuit units available to prevent further movement of the fleeing vehicle after spinning out.

(b) A tire deflation device should be used when the deputy(s) believe it would be effective in application and can be deployed with limited risk to the deputy(s). Deputy(s) will only deploy the tire deflation device when they are in communication by radio with pursuing deputies. They will also advise the pursuing units where and when the tire deflation device is deployed. The supervisor will be notified as soon as practical that the tire deflation device has been deployed. Tire deflation devices are not considered a forcible stop and are not considered a use of force when used in this manner. As soon

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as practicable after initiating a pursuit, the primary pursuing deputy and supervisor, if available, shall develop a plan for the termination of the pursuit using available intervention options (RCW 10.116.060).

1. Speed of the fleeing vehicle - Traveling at high speeds increases the risk the suspect will lose control of the vehicle after driving over or swerving to avoid a tire deflation device.
2. Weather and visibility - Tire deflation devices should only be deployed when the location, weather, and other conditions allow the deploying deputy to clearly see the fleeing vehicle, pursuit units, and other approaching traffic.
3. Cover - Deployment should occur in a location that provides the deploying deputy adequate cover and escape from intentional or unintentional exposure to the approaching vehicles.
4. Road conditions - Soft or loose material such as dirt or gravel may prevent a tire deflation device from puncturing the vehicle's tire. Deploying the device on loose pavement or icy or wet roads increases the risk of the suspect losing control of the vehicle.
5. Characteristics of the deployment area - A tire deflation device should not be deployed in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
6. Characteristics of the fleeing vehicle - Except in extraordinary circumstances, a tire deflation device should not be used when the fleeing vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children.
7. Because of the risks to deploying deputies, the intent to deploy a tire deflation device and its location should be clearly communicated to the dispatcher and all involved units.

(c) Intentional Intervention is the deliberate striking of another vehicle with a patrol vehicle(s) for the purpose of mechanically stopping the fleeing suspect vehicle. In some circumstances, the use of intentional intervention could be considered use of deadly force, and is a method of forcible stop, and thus considered a use of force.

(d) Roadblocks are the use of vehicles or other roadway obstruction that prevents the escape of a fleeing vehicle. It can only be used after approval is obtained from the supervisor. Because roadblocks involve a potential for serious injury, death and serious property damage it should only be used in the following circumstances: when the suspect(s) are involved in a violent offense or when the supervisor believes the suspect poses a significant threat of death or serious physical injury to a law enforcement officer or others. Roadblocks are considered a forcible stop, and thus considered a use of force. Roadblocks shall only be used when deadly force is warranted, and all other reasonable alternatives have been exhausted or reasonably appear ineffective.

(e) Ramming shall only be used when deadly force is warranted, and all other reasonable alternatives have been exhausted or reasonably appear ineffective.

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(f) Boxing-in is a tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop. Boxing-in can be used by deputies in situations where they determine it is the best tactic to safely stop a vehicle. Depending upon speeds involved, boxing-in could be considered a forcible stop and thus could be considered a use of force based upon the circumstances.

313.13 REPORTING REQUIREMENTS

A pursuit will not in itself be considered a Use of Force. Any use of a forcible stop will be considered a use of force and will be documented as such and reviewed accordingly. A Police Traffic Collision Report (PTCR) will be completed post-pursuit only if the fleeing vehicle collides with other property during the pursuit.

If a pursuit or forcible stop results in the serious injury or death of anyone involved, mutual aid shall be requested from an outside law enforcement agency for an investigation of the pursuit or forcible stop.

Appropriate reports should be completed as required by applicable laws, policies, and procedures.

1. Pursuing deputies should complete appropriate crime/arrest, pursuit and use of force reports.
2. The involved supervisor shall obtain available information and promptly complete appropriate reports. The reports should briefly summarize the pursuit and include, at minimum:
    1. Date and time of the pursuit.
    2. Reason and circumstances surrounding the pursuit (e.g., seriousness of the crime, road and traffic conditions, speed and driving behavior of the fleeing vehicle) that warranted initiation and continuation of the pursuit.
    3. Length of pursuit in distance and time, including the starting and termination points.
    4. Involved vehicles and deputies.
    5. Name of supervisor at the scene or who handled the incident.
    6. Any property or equipment damage.
    7. Any injuries and/or medical treatment.
    8. Arrestee information, if applicable.
    9. Whether a suspect was apprehended, as well as the means and methods used.
    10. Alleged offenses
3. After receiving reports, and other pertinent information, the Sheriff or the authorized designee shall conduct or assign a post-pursuit review, as appropriate. The Sheriff should direct a documented management review and analysis of office vehicle pursuits to minimally address policy suitability, policy compliance, procedure, personnel issues, and training or equipment needs.

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313.14 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all deputies will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training should address decision-making involved in initiating, continuing, and terminating a pursuit and include recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others. Subject to available resources, training on pursuit driving and the deployment of pursuit intervention tactics should include scenario-based training and behind-the-wheel practice, in addition to classroom instruction.

313.14.1 TRAINING SUPERVISOR REVIEW

The Training Sergeant should ensure that members of his office receive initial and annual training on vehicle pursuits relevant to their role (e.g., deputies, supervisors, air units, dispatchers). The Training Sergeant shall keep records of training compliance.

313.14.2 STATE SPECIFIC TRAINING REQUIREMENT

All deputies engaging in vehicle pursuits shall have completed an emergency vehicle operator course, refresher training in emergency vehicle operation within two years prior to the pursuit, and be certified in at least one pursuit, and be certified in at least one pursuit intervention option (RCW 10.116.060).

313.15 POLICY REVIEW

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

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Deputy Response to Calls

314.1 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.

314.2 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.

314.3 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.

314.4 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.

314.5 SAFETY CONSIDERATIONS

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

- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.

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- Disregard regulations governing parking, direction of movement or turning in specified directions.

314.5.1 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.

314.6 EMERGENCY EQUIPMENT

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

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

314.7 DEPUTY RESPONSIBILITIES

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

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

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

314.8 SUPERVISOR RESPONSIBILITIES

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

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judgment, the circumstances require additional deputies to be assigned an emergency response, the supervisor may do so.

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

When making the decision to authorize an emergency response, the Shift 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.

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Canines

316.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to supplement law enforcement operations to primarily locate individuals and contraband, and to secondarily assist in the apprehension of criminal offenders.

316.2 POLICY

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

316.3 ASSIGNMENT

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

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Supervisor.

316.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Field Services bureau or the authorized designee.

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

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

316.5 REQUESTS FOR CANINE TEAMS

Field Services Bureau members are encouraged to request the use of a canine. Requests for a canine team from office units outside of the Field Services Bureau shall be reviewed by the Supervisor.

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316.5.1 AVAILABILITY
The handler shall be available for call-out under conditions specified by the Unit Coordinator.

316.5.2 OUTSIDE AGENCY REQUEST
All requests for canine assistance from outside agencies must be approved by the Supervisor 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) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

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

316.6 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 offense and if any of the following conditions exist:

(a) There is a reasonable belief that the suspect poses an imminent threat of violence or serious harm to the public, any deputies, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

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

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

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

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

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

316.6.1 PREPARATION FOR DEPLOYMENT

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

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect’s known or perceived age.

(e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other deputies at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

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

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

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

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

316.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to deploying a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine

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momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

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

316.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

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

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

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

316.7 NON-APPREHENSION GUIDELINES

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

(a) Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

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

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

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

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

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

(a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

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

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

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

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316.9 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Supervisor 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.

316.10 TRAINING AND CERTIFICATION

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

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

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

316.10.1 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 Skagit 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.

316.10.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

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316.10.3 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.

316.10.4 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 Skagit County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

316.10.5 NARCOTICS DETECTION

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

1. The sniff of vehicles, buildings, bags and other articles
2. Assisting in the sniff for narcotics during a search warrant service.
3. Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

Assisting in the sniff for narcotics during a search warrant serviceObtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

316.10.6 CONTROLLED SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(f) and 21 USC § 878; RCW 69.50.302; RCW 69.50.508; WAC 246-945-060).

The Sheriff or the authorized designee may authorize a member to allow controlled substances seized by the Skagit County Sheriff's Office or the Skagit County Interlocal Drug Enforcement Unit (SCIDEU) 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).

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

316.10.7 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:

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(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 Sheriff Authorization 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 and weighed quarterly by the canine handler and canine coordinator. Testing of the controlled substances shall be at the discretion of the Evidence Supervisor. The results of the quarterly inspections shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency if applicable.

(e) All controlled substance training aids 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) Any unusable controlled substance training samples shall be returned to the Evidence Room or to the dispensing agency.

(g) 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.

316.10.8 EXPLOSIVE TRAINING AIDS

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

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

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(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

316.11 CANINES IN PUBLIC

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

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

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

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Domestic Violence

318.1 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.

Direction regarding the handling of protection orders is found in the Protection Order and Firearm Relinquishment Policy.

318.1.1 DEFINITIONS

Definitions related to this policy include (RCW 7.105.010):

Coercive control - A pattern of behavior that is used to cause another to suffer physical, emotional, or psychological harm, and in purpose or effect unreasonably interferes with a person's free will and personal liberty. Examples of coercive control include but are not limited to engaging in any of the following:

(a) Intimidation or controlling or compelling conduct by:

1. Damaging, destroying, or threatening to damage or destroy, or forcing the other party to relinquish, goods, property, or items of special value
2. Using technology to threaten, humiliate, harass, stalk, intimidate, exert undue influence over, or abuse the other party, including by engaging in cyberstalking, monitoring, surveillance, impersonation, manipulation of electronic media, or distribution of or threats to distribute actual or fabricated intimate images
3. Carrying, exhibiting, displaying, drawing, or threatening to use, any firearm or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate the other party or that warrants alarm by the other party for their safety or the safety of other persons
4. Driving recklessly with the other party or minor children in the vehicle
5. Communicating, directly or indirectly, the intent to:
   (a) Harm the other party's children, family members, friends, or pets, including by use of physical forms of violence
   (b) Harm the other party's career
   (c) Attempt suicide or other acts of self-harm
   (d) Contact local or federal agencies based on actual or suspected immigration status
6. Exerting control over the other party's identity documents

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7. Making, or threatening to make, private information public, including the other party's sexual orientation or gender identity, medical or behavioral health information, or other confidential information that jeopardizes safety
8. Engaging in sexual or reproductive coercion

(b) Causing dependence, confinement, or isolation of the other party from friends, relatives, or other sources of support, including schooling and employment, or subjecting the other party to physical confinement or restraint

(c) Depriving the other party of basic necessities or committing other forms of financial exploitation

(d) Controlling, exerting undue influence over, interfering with, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or employment, including but not limited to interference with or attempting to limit access to services for children of the other party, such as health care, medication, child care, or school-based extracurricular activities

(e) Engaging in vexatious litigation or abusive litigation as defined in RCW 26.51.020 against the other party to harass, coerce, or control the other party, to diminish or exhaust the other party's financial resources, or to compromise the other party's employment or housing

(f) Engaging in psychological aggression, including inflicting fear, humiliating, degrading, or punishing the other party

"Coercive control" does not include protective actions taken by a party in good faith for the legitimate and lawful purpose of protecting themselves or children from the risk of harm posed by the other party.

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. See the Protection Orders and Firearms Relinquishment Policy for definitions of the protection orders and no-contact orders available in Washington.

Domestic violence - Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; stalking; or the perpetration of any of the crimes listed in RCW 10.99.020 by one intimate partner to another intimate partner or by one family or household member to another family or household member (RCW 7.105.010).

Family or household members - Any of the following relationships:

(a) Persons related by blood, marriage, domestic partnership, or adoption

(b) Persons who currently or formerly resided together

(c) Persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children

(d) A person who is acting or has acted as a legal guardian

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Intimate partners - Any of the following relationships:

(a) Spouses or domestic partners

(b) Former spouses or former domestic partners

(c) Persons who have a child in common regardless of whether they have been married or have lived together at any time, unless the child is conceived through sexual assault

(d) Persons who have or have had a dating relationship where both persons are at least 13 years of age or older.

Sexual conduct - Any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others

(f) Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others

Stalking - Any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110

(b) Any act of cyber harassment as defined under RCW 9A.90.120

(c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:

1. Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling.

2. Serves no lawful purpose; and

3. The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

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318.2 POLICY

The Skagit 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. The office will facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible. The Skagit County Sheriff's Office will collect information required by law regarding the presence or access to and the surrender of firearms, dangerous weapons, and concealed pistol licenses by the perpetrator or restrained person and forward this information to the appropriate prosecutor and court.

318.3 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.

318.4 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.

(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 Investigation 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.

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(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

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. Deputies shall also seize all firearms in plain sight or discovered in a lawful search. Deputies shall request consent to take temporary custody of any other firearms and ammunition that the alleged suspect may have access to (RCW 10.99.030). Deputies should issue a receipt for the seized items.

2. Deputies shall separate the victim and inquire whether there are any firearms or ammunition in the home, whether the suspect has access to any firearms either on the premises or stored elsewhere, whether the suspect has a concealed pistol license (CPL), and whether a firearm has ever been used by the suspect under other circumstances that could be threatening or coercive (RCW 10.99.030).

(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.

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318.4.1 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.

318.4.2 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim’s contact information to the jail staff to enable notification of the victim upon the suspect’s release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

318.4.3 IF NO ARREST IS MADE

If no arrest is made, the deputy shall (RCW 10.99.030):

(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).
3. Initiation of a criminal case by the victim.

(b) Advise the parties of the importance of evidence preservation.

(c) Document the resolution in a report.

318.5 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.

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(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

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

318.6 CONDUCTING VICTIM INTERVIEWS/VICTIM RIGHTS

This section outlines trauma informed principals and details the rights afforded to victims by state law.

This section is a valuable reminder that the 911 dispatcher, responding officer, and any agency personnel who may interact with a DV victim or a petitioner in a Protection Order can start to create a sense of safety through empathy, validating feelings, and using "trauma informed" interactions.

When experiencing a traumatic event, the human brain immediately enters a fight or flight survival mode. The ability to remember and process details is remarkably diminished. Several researchers (Jim Hopper, Rebecca Campbell) have written articles and have videos that explain this in detail.

Victim Rights:

RCW 7.69.030 provides a detailed list of the rights of crime victims in Washington State.

Trauma-Informed Victim Interviewing:

Building rapport is the first step in interviewing victims in a trauma-informed way. There is no correct reaction to a traumatic event. It is critical to keep in mind that "a victim's reality is your reality" when preparing for and conducting investigative interviews. Take time to explain to the victim that they are having a normal reaction to an abnormal event.

Each person will respond to trauma in their own way. The fight or flight neurological response to trauma limits the brain's ability to process events. A person in trauma is unlikely to have clear or chronological recall of events.

Officers should be prepared for some of the following trauma-based reactions when interviewing victims or Protection Order petitioners:

- The person may deny they are a victim, blame themselves, or attempt to minimize the conduct of the perpetrator;
- Victims may be fearful of what will happen to them if they make a *. statement or involve law enforcement; perpetrators may threaten to harm or kill a victim if they speak to law enforcement.
- Victims may have an inherent fear or distrust of law enforcement and/or the criminal justice system.
- Officers should also be aware of cultural differences and provide reassuring support and understanding in their attempt to protect the victim;
- Victims may be distracted, angry, reluctant, or concerned about their own needs or their children's;

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- Victims may have fears around safety and privacy, particularly if the interview is in front of others;
- Victims may have unmet medical needs, including the lack of nutrition or sleep.

Steps in Interviewing Victims: As officers approach a victim to conduct an interview, it should be a gradual and non-threatening process in consideration of the following steps:

- First, if the victim requires medical services, call for aid or transport the victim to appropriate care.
- Interviewers should introduce themselves and explain their role at the beginning of every interview.
- The use of audio or video recording of the interview can later show the state of mind, trauma, and emotional impact to the victim immediately after the event, but the victim must be comfortable with the recording process. (Officers should refer to agency recording or body-camera protocols.)
- Acknowledge that the situation is not the victim's fault; the perpetrator is responsible.
- If a local advocate is not available to meet with the victim, law enforcement should refer the victim to a local or national domestic violence service provider for safety planning.
- Trained advocates are best positioned to address the victim's health, transportation, and housing needs.

318.7 LETHALITY ASSESSMENT PROTOCOLS AND RISK ASSESSMENTS

This section provides information and guidance on the use of lethality and risk assessments in the prevention and response to Domestic Violence. These assessments can be helpful for law enforcement and social service providers when determining future risk to victims and the potential of harm or death.

The goal of a Lethality Assessment Program is to educate intimate partner violence victims about risk factors for homicide and to connect them with support and safety planning services.

Law enforcement officers and other community professionals trained in this approach use the evidence-based lethality assessment instruments to identify victims of intimate partner violence who score at the highest risk of being killed by their intimate partners.

While there are multiple types of lethality assessment tools, it is a best practice for each agency to only utilize a tool validated by researchers as effective. These tools are evidence based, and all supporting data indicates lives are saved by the proper use of the tools and understanding of the results.

The tool is initially used by law enforcement. However, the results inform charging and sentencing decisions for prosecutors, judges, advocates and, most importantly, can inform a victim of the danger they are facing.

The assessment and results should be utilized as a supplement to the police report.

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318.8 DISPATCH ASSISTANCE

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

Generally, any member taking calls from people seeking assistance should forward the call to Skagit 911. Otherwise, members should attempt to obtain the following information from the reporting party and relate the information to Skagit 911 immediately:

(a) The complete address of the location

(b) The type of relationship between the alleged perpetrator and the victim

(c) The description and location of dangerous weapons and/or firearms that the alleged perpetrator has access to or possesses

(d) If anyone is injured and if Emergency Medical System (EMS) response is necessary

(e) If any children are present

(f) If drugs and/or alcohol are involved

(g) The context of the current incident and any relevant history of domestic violence incidents, threats, physical violence, or violations of protection orders

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

318.9 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report should consider the following:

(a) The primary duty of deputies when responding to a domestic violence situation is to enforce the laws allegedly violated and to protect the complaining party (RCW 10.99.030(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 arrest (RCW 10.99.055; RCW 10.31.100(2)).

318.10 REPORTS AND RECORDS

(a) Deputies responding to a domestic violence call shall take a complete offense report, including the disposition of the case (RCW 10.99.030(2)(b)).

1. The report shall include all information about firearms and any CPL and be properly coded to alert any officials reviewing the report to the existence of the information concerning firearms (RCW 10.99.030(3)(c)).

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(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 Criminal Investigations Supervisor shall ensure that all domestic violence crime reports are forwarded to the appropriate prosecutor within 10 days of the date the incident was reported (RCW 10.99.035).

(d) The Chief of Administrative Services 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 Chief of Administrative Services should ensure that the original receipt issued for any firearm, dangerous weapon, or CPL 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 (RCW 9.41.801).

318.11 DOCUMENTING FIREARM INFORMATION IN INCIDENT REPORTS

The purpose of this section is to provide the required statutory information for law enforcement to document the presence of firearms, dangerous weapons, and CPLs in incident reports. Additionally, law enforcement has a responsibility to ensure the require information is available to be provided to the court.

This section provides best practice recommendations to mitigate future safety concerns involving firearms for all parties involved, including law enforcement officers who may be required to serve an order or respond to a DV incident.

A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

The peace officer shall document all information about firearms and concealed pistol licenses in the incident report.

The incident report must be coded to indicate the presence of or access to firearms so that personal recognizance screeners, prosecutors, and judicial officers can address the heightened risk to victim, family, and peace officer safety due to the alleged abuser's access to firearms.

RCW 10.99.040 Importance of documentation by law enforcement: Under the provisions of this statute, the court will rely on law enforcement documentation regarding firearms when considering the issuance of a criminal No-contact Order:

- In considering release from custody for a DV charge, the court shall verify that the responding law enforcement officers secured firearms related to the crime, those which were in plain sight or discovered pursuant to a lawful search, and review the sworn statement of a peace officer documenting that the responding peace officers separated the parties and asked the victim or victims at the scene about firearms, other dangerous weapons, and ammunition that the defendant owns or has access to, and whether the defendant has a CPL.

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- If the sworn statement of a peace officer or other information provided to the court indicates there may be a risk of harm if the defendant has access to firearms, dangerous weapons, or an active CPL, the court shall verify that peace officers have temporarily removed and secured all the firearms, dangerous weapons, and any CPL.
- The court shall then determine whether an OTSPW or an ERPO should be issued prohibiting the defendant from possessing, purchasing, receiving, having in the defendant's control or custody, accessing, or attempting to purchase or receive, any firearms, dangerous weapons, and any CPL and shall order the defendant to surrender, and prohibit the defendant from possessing, any firearms, dangerous weapons, and any CPL as required in RCW 9.41.800, or shall issue an ERPO as required.
- At the time of arraignment, the court shall review the defendant's firearm purchase history provided by the prosecutor pursuant to RCW 10.99.045, and any other firearms information provided by law enforcement or court or jail staff, and shall determine whether a no-contact order, an OTSPW or an ERPO shall be issued or, if previously issued, extended.

Officers need to be aware that when considering the conditions for release and the issuance of a NCO, the court is relying on the firearm, dangerous weapon and CPL information gathered and filed with the court by law enforcement officers who were at the scene and presented by prosecutors.

Without the information regarding the presence or access to firearms and dangerous weapons, and whether the firearms have already been collected by law enforcement, the prosecutor will not have the information they need to present, and the court will not have the information to make an informed decision when issuing a NCO necessary to protect the DV victim.

318.12 SURRENDER OF PROHIBITED ITEMS

The deputy serving a court order that includes an order to surrender and prohibit weapons (OTSPW) 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 CPL 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 the OTSPW, the deputy should advise the restrained person of the possible court sanctions and consideration should be given to obtaining a search warrant for seizure.
2. Advise the restrained person that they may not transfer or sell firearms after the order is issued.
3. Although a court may identify specific firearms to be surrendered, the restrained person must relinquish all firearms in their custody, control, or possession.

(c) Issue a receipt for any surrendered items.

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1. The deputy should ensure the original receipt is forwarded to the Chief of Administrative Services 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.

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Search and Seizure

320.1 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 Skagit County Sheriff's Office personnel to consider when dealing with search and seizure issues.

320.2 POLICY

It is the policy of the Skagit 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.

320.3 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.

320.3.1 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).

320.4 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.

320.5 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.

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Custody of Juveniles

322.1 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 Skagit County Sheriff's Office (34 USC § 11133).

322.1.1 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.

322.2 POLICY

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

322.2.1 JUVENILE ACCESS TO ATTORNEY - DETENTION, INTERROGATION AND CONSENT TO SEARCH

Law enforcement shall provide a juvenile with access to an attorney for consultation, which may be provided in person, by telephone, or by video conference, before the juvenile waives any constitutional rights if a law enforcement officer:

- Questions a juvenile during a custodial interrogation;
- Detains a juvenile based on probable cause of involvement in a criminal activity; or
- Requests that the juvenile provide consent to an evidentiary search of the juvenile or the juvenile's property, dwelling, or vehicles under the juvenile's control.

The consultation with an attorney may not be waived.

Juveniles may be provided access to an attorney through the Washington State Office of Public Defense 24/7 phone number **1-877-578-2333 (1-877-J-PUB-DEF).**

Statements made by a juvenile after the juvenile is contacted by a law enforcement officer pursuant to this subsection are not admissible in a juvenile offender or adult criminal court proceeding, unless:

(a) The juvenile has been provided with access to an attorney for consultation; and the juvenile provides an express waiver knowingly, intelligently, and voluntarily made by the juvenile after the juvenile has been fully informed of the rights being waived as required under RCW 13.40.140;

(b) The statement is for impeachment purposes; or

(c) The statement was made spontaneously.

A law enforcement officer may question a juvenile without following the requirements above if:

(a) The law enforcement officer believes the juvenile is a victim of trafficking as defined in RCW 9A.40.100; however, any information obtained from the juvenile by law enforcement pursuant to this subsection cannot be used in any prosecution of that juvenile; or

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(b) (i) The law enforcement officer believes that the information sought is necessary to protect an individual's life from an imminent threat;
(ii) A delay to allow legal consultation would impede the protection of an individual's life from an imminent threat; and
(iii) Questioning by the law enforcement officer is limited to matters reasonably expected to obtain information necessary to protect an individual's life from imminent threat.

After the juvenile has consulted with legal counsel, the juvenile may advise, direct a parent or guardian to advise, or direct legal counsel to advise the law enforcement officer that the juvenile chooses to assert a constitutional right. Any assertion of constitutional rights by the juvenile through legal counsel must be treated by a law enforcement officer as though it came from the juvenile. The waiver of any constitutional rights of the juvenile may only be made according to the requirements of RCW 13.40.140.

Interrogation of a juvenile shall follow requirements set out in the Investigation and Prosecution policy requirements specifically regarding audio and video requirements.

322.2.2 CONSTITUTIONAL RIGHTS ADVISEMENT
In any case where a juvenile offender is taken into temporary custody, the juvenile should be promptly advised of his/her constitutional rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended.

322.3 JUVENILES WHO SHOULD NOT BE HELD

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

322.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at Skagit County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody.

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Refer to the Child Abuse Policy for additional information regarding detaining a juvenile suspected of being a victim.

No juvenile should be held in temporary custody at the Skagit County Sheriff's Office without authorization of a supervisor.

Any juvenile taken into custody shall be released to the care of the juvenile's parents or other responsible adult or transferred to a juvenile custody facility as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into Skagit County Sheriff's Office (42 USC 533; RCW 13.14.0115(b)).

322.4.1 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 Skagit 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 (42 USC 5633).

322.4.2 CUSTODY OF 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 department to await a parent). Juvenile status offenders may not be held in secure custody (42 USC 5633).

322.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in a non-secure custody area while in custody at Skagit 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.

322.4.4 LIMITATIONS ON RELEASE OF JUVENILE OFFENDERS

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

(a) Will likely fail to appear for further proceedings.

(b) Needs protection from him/herself.

(c) Is a threat to community safety.

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(d) Will intimidate witnesses or otherwise unlawfully interfere with the administration of justice.

(e) Has committed a crime while another case is pending.

(f) Is a fugitive from justice.

(g) Has had his/her parole suspended or modified.

(h) Is a material witness.

322.4.5 DISPOSITIONS

Any juvenile not transferred to a juvenile facility shall be released to one of the following:

(a) Parent or legal guardian.

(b) An adult member of his/her immediate family.

(c) An adult person specified by the parent/guardian.

(d) An adult person willing to accept responsibility, when the juvenile's parent(s) are unavailable as approved by shift supervisor.

If the six hour time limit has expired, the juvenile should be transported to the juvenile detention facility to accept custody.

322.5 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).

322.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Office, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Skagit County Sheriff's Office.

(c) Shift Sergeant notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

(e) Any changes in status.

(f) Time of all welfare checks.

(g) Any medical and other screening requested and completed.

(h) Circumstances that justify any secure custody.

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

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

322.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Skagit 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.

322.8 TEMPORARY CUSTODY REQUIREMENTS

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

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

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(k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(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.

322.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Skagit County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift 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.

322.9.1 PREGNANT JUVENILES

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

322.10 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).

322.11 SECURE CUSTODY

Only juvenile offenders 14 years and older may be placed in secure custody. Shift 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

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custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

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

322.11.1 LOCKED ENCLOSURES

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

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

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

(b) Juveniles shall have constant auditory access to office members.

(c) Initial placement into and removal from a locked enclosure shall be logged.

(d) Random personal visual checks of the juvenile by a staff member, no less than every 15 minutes, shall occur.

1. All checks shall be logged.
2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(e) Males and females shall not be placed in the same locked room.

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

322.12 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, aid will be called. The Shift Sergeant shall be notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting deputy or the discovering deputy should administer first aid prior to the arrival of aid. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the parent, guardian, or person standing in loco parentis, of the juvenile shall be notified as soon as possible.

322.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

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Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, 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. 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 the juvenile may only be made according to the requirements of RCW 13.40.140 (judicial rights) (RCW 13.40.740).

322.13.1 RECORDING OF INTERVIEWS OR INTERROGATIONS
Interrogations or interviews of juvenile suspects shall be recorded when conducted at a place of detention (RCW 10.122.020; RCW 10.122.030). See the Investigation and Prosecution Policy and Portable Audio/Video Recorder Policy for specific recording requirements.

322.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

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

322.15 RELEASE OF INFORMATION CONCERNING JUVENILES

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

322.15.1 RELEASE OF INFORMATION PURSUANT TO WASHINGTON LAW
Juvenile records are confidential and may be released only as provided in RCW 13.50.010 and RCW 13.50.050:

(a) Information may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile is being pursued by the other participant, or when that other participant is assigned the responsibility for supervising the juvenile.

(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.

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(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 Chief of Administrative Services and the appropriate Investigation Unit supervisors to ensure that personnel of those bureaus act within legal guidelines.

322.16 RELIGIOUS ACCOMMODATION

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

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Adult Abuse

324.1 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 Skagit County Sheriff's Office members as required by law.

324.1.1 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.

324.2 POLICY

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

324.3 MANDATORY NOTIFICATION

Members of the Skagit 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.

324.3.1 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.

324.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

324.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. If the investigation reveals that a crime may

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have been committed, the County prosecutor shall be provided a written report of the incident (RCW 74.34.063(3)).

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

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

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

324.6 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.

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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.

324.7 INTERVIEWS

324.7.1 PRELIMINARY INTERVIEWS

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

324.7.2 DETAINING VICTIMS FOR INTERVIEWS

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

324.8 MEDICAL EXAMINATIONS

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

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324.9 DRUG-ENDANGERED VICTIMS

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

324.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation 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 Investigation Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

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

324.9.2 DEPUTY RESPONSIBILITIES

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

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigation Unit supervisor so an interagency response can begin.

324.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

324.10.1 ARREST WITHOUT WARRANT

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

324.10.2 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.

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324.10.3 RELEASE OF REPORTS

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

324.11 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

326.1 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.

326.2 POLICY

The Skagit 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.

326.3 DEFINITIONS

Definitions related to this policy include:

326.3.1 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.

326.3.2 SEXUAL HARASSMENT

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person’s sex.

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

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

326.3.3 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.

326.3.4 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.

326.4 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 Chief of Administrative Services, or the 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.

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.

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326.4.1 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 Chief of Administrative Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

326.4.2 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.

326.4.3 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 Chief of Administrative Services, or the County Commissioners for further information, direction, or clarification.

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

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326.5.1 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.

326.5.2 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 Chief of Administrative Services, or the County Commissioners.

326.5.3 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.

326.6 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 County Commissioners, or the Chief of Administrative Services, depending on the ranks of the involved parties.

(b) Maintained in accordance with the established records retention schedule.

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326.6.1 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.

326.7 TRAINING

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

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

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Child Abuse

328.1 PURPOSE AND SCOPE

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

328.1.1 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.

328.2 POLICY

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

328.3 MANDATORY NOTIFICATION

Members of the Skagit 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).

328.3.1 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.

328.4 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).

328.5 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).

328.6 PROTECTIVE CUSTODY

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

Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to CPS.

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

Children may only be removed from a parent or guardian in the following situations (RCW 26.44.050):

(a) A court order has been issued authorizing the removal of the child.

(b) There is probable cause to believe that 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 opioid (e.g., fentanyl), or a pattern of severe neglect, and that the child would be

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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).

328.6.1 SAFE HAVEN LAW
A parent is not guilty of abandonment when leaving a newborn 72 hours old or younger with a qualified person at the emergency department of a licensed hospital or a fire station while personnel are present (RCW 13.34.360). The qualified person shall notify CPS. CPS shall assume custody of the newborn.

328.7 INTERVIEWS

328.7.1 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.

328.7.2 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.

328.7.3 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.

328.8 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

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

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

328.9 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.

328.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation 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 Investigation 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.

328.9.2 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 on duty Patrol Supervisor so an interagency response can begin.

328.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

328.10.1 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).

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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).

328.10.2 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).

328.10.3 CASE SUBMISSION TO PROSECUTOR
The Skagit 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.

328.10.4 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).

328.10.5 LOCAL CHILD ABUSE PROTOCOLS
The Investigation 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).

328.10.6 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).

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

328.11 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.

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(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

(g) Recognizing abuse that requires mandatory notification to another agency.

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Missing Persons

330.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

330.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

(a) Are 13 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:

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

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

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC) and the Washington Crime Information Center (WACIC).

330.2 POLICY

The Skagit 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 Skagit County Sheriff's Office gives missing person cases priority over

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

330.2.1 INVESTIGATION DILIGENCE

Members of this department should accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. The investigative actions include the following:

(a) Make an assessment of reasonable steps to be taken to locate the person.

(b) If the missing person is under 16-years of age, or there is evidence the person is at-risk or endangered, the Department should broadcast a "be-on-the-lookout" radio transmission without delay within this jurisdiction.

The agency having jurisdiction over the missing person's residence normally will handle the case after the initial report is taken, however department members may assist in the investigation on a person who was last seen in this jurisdiction.

330.2.2 TASK FORCE ON MISSING AND EXPLOITED CHILDREN

The Washington State Patrol Multiagency Taskforce on Missing and Exploited Children is available to assist local jurisdictions on missing cases through referrals, on-site assistance, case management, and training (RCW 13.60.110). The task force may assist agencies, upon request, by:

(a) Direct assistance and case management.

(b) Technical assistance.

(c) Personnel training.

(d) Referral for assistance from local, state, national, and international agencies.

(e) Coordination and information sharing among local, state, interstate, and federal law enforcement and social service agencies.

330.2.3 ENDANGERED AND RUNAWAY JUVENILES

Deputies shall take a juvenile into custody whenever (RCW 13.32A.050):

(a) The juvenile is a runaway from home or official child placement.

(b) If there is reason to believe, based upon the totality of the circumstances that the juvenile would be in danger if not taken into custody. In such case the deputy shall report the circumstance and custody to the Department of Social and Health Services.

(c) The juvenile is in violation of the Skagit County curfew ordinance.

(d) A juvenile court has determined that the juvenile has violated a placement order or has issued a court order to take custody of a juvenile.

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(e) There is reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080.

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. The deputy should also inform the juvenile of the reason for the custody.

Deputies shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized under RCW 13.32A.060. Deputies should maintain custody of a juvenile until the person, agency or entity to whom the child is released agrees to accept custody.

Deputies who transport juveniles to a crisis residential center who were either a runaway or endangered child shall, within 24 hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody.

Endangered and runaway juveniles, except when in custody for separate criminal offenses, are status offenders. Status offenders may not be detained in police jails or lockups. They may not be held in a detention environment or come into contact with adults in custody in the station.

330.2.4 CRIME INFORMATION CENTER

The Washington State Patrol (WSP) Missing and Unidentified Persons Unit (MUPU) assists law enforcement agencies and parents in locating missing persons. At the request of a parent, legal custodian or guardian who has reported a child as having run away from home, WSP will make the information about the runaway child available on its website (RCW 43.43.510(2)(a)).

At the time a report is taken for a missing or runaway child, deputies should inform parents of the service provided by WSP and direct them to the appropriate website.

330.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation 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

330.3.1 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 foul play is suspected, the handling deputy or detective shall contact the county coroner or medical examiner to determine if that office has any information concerning the missing person. If

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after conferring with the coroner or medical examiner, the person is still determined to be missing the handling deputies shall complete the following:

(a) File a missing person's report with the Washington State Patrol missing and unidentified persons unit.

(b) Initiate the collection of DNA samples from the known missing person and their family members for nuclear and mitochondrial DNA testing along with the necessary consent forms.

(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 DNA samples shall be submitted to the appropriate lab, and dental records shall be submitted to the Washington State Patrol missing and unidentified persons unit (RCW 43.43.751 and 68.50.320).

(d) In all missing person cases, the assigned personnel should attempt contact with the reporting party no less than every three months in order to verify the status of the reported missing person. After twelve months, contacts with the reporting party should be attempted yearly. All verifications should be reported to WSP via ACCESS.

330.4 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.

330.5 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

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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:

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).

330.6 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.

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330.6.1 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.

(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.

330.6.2 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 Investigation 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).

330.7 INVESTIGATION 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.

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(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.

(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).

330.7.1 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

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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).

330.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The Chief of Administrative Services 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.

330.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themself 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.

330.9 CASE CLOSURE

The Investigation 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 Skagit County or this office is the lead agency, the case should be kept under active investigation for as long as the person may still

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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.

330.10 TRAINING

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

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of office members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Public Alerts

332.1 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.

332.2 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.

332.3 RESPONSIBILITIES

332.3.1 MEMBER RESPONSIBILITIES

Members of the Skagit County Sheriff's Office should notify their supervisors, Shift Sergeant or Investigation 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.

332.3.2 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 Bureau Chief and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Bureau Chief

332.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES

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

(a) Remaining familiar with the protocols for activating, maintaining and cancelling all applicable public alerts.

(b) Being the point of contact with the Washington AMBER Alert Advisory Committee.

(c) Ensuring the Office has members who have completed the appropriate training.

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332.4 WASHINGTON STATEWIDE AMBER ALERT™ PLAN

The AMBER Alert™ Plan is a voluntary partnership between law enforcement, state government agencies, broadcasters and other participants to rapidly disseminate information to enhance the public's ability to assist in recovering abducted children (RCW 13.60.010).

The Skagit 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.

332.4.1 CRITERIA

The following criteria must exist prior to requesting an AMBER Alert:

(a) The child is under 18 years of age and is known to have been abducted. The child is not a runaway or an abandoned child.

(b) The abducted child is believed to be in danger of death or serious bodily injury.

(c) The AMBER Alert activation should occur within four hours of the qualifying event unless circumstances or the timeliness of the information warrant otherwise.

(d) There must be enough descriptive information to believe that an AMBER Alert activation will assist in the recovery of the child, including:

1. Where the abduction took place.
2. A physical description of the child: height, weight, age, hair color and length, eye color, clothing worn when the child was last seen, and any distinguishing physical characteristics.
3. A physical description of the abductor: height, weight, age, hair color and length, eye color, clothing worn when the suspect last seen, and any distinguishing physical characteristics.
4. Place last seen.
5. Description of the vehicle: color, make, model, license number, approximate year.

(e) The incident must be reported to and investigated by a law enforcement agency.

332.4.2 PROCEDURE

Should the Shift Sergeant or supervisor determine that the incident meets the criteria of the Washington Statewide AMBER Alert Plan, the Shift Sergeant or supervisor should:

(a) Ensure that office protocol is followed regarding approval of the alert.

(b) Ensure all appropriate documentation is completed.

(c) Contact the Washington State Patrol (WSP) Communication Center for entry into the Law Enforcement Alerting Portal (LEAP).

(d) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and the National Crime Information Center (NCIC) databases.

(e) Promptly notify the Sheriff and the appropriate Bureau Chief of any AMBER Alert activation.

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(f) Ensure the preparation of an initial press release that includes all the information required by the Washington Statewide AMBER Alert Plan, and any other available information that might aid in locating the child, such as:

1. A photograph.
2. Detail regarding location of incident, direction of travel, and potential destinations, if known.
3. Name and telephone number of the Public Information Officer (PIO) 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.

332.4.3 POST-INCIDENT REPORTING

The Sheriff shall be responsible for submitting the AMBER Alert Report to the Washington State Police Chiefs (WASPC) in a timely fashion. The Sheriff or the authorized designee shall be responsible for representing the Office during the AMBER Alert Review Committee’s after-action review of the alert.

332.5 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 Skagit County Sheriff's Office participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of an Endangered Missing Person.

An endangered missing person advisory may be termed a (RCW 13.60.010):

(a) "Silver alert" when initiated to assist in the recovery of a missing endangered person age 60 or older.

(b) "Missing Indigenous person alert" to assist in the recovery of a missing Indigenous person.

332.5.1 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).

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(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.

332.5.2 PROCEDURE

Should the Shift Sergeant or supervisor determine that the incident meets the criteria of an Endangered Missing Person Advisory, the Shift Sergeant or supervisor should:

(a) Ensure that office protocol is followed regarding approval of the alert.

(b) Ensure all appropriate documentation is completed.

(c) Contact the WSP Communication Center for entry into LEAP.

(d) Direct Records Section personnel to enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).

(e) Notify Skagit 911 of the advisory and ensure that it is prepared to handle a high volume of telephone calls.

(f) Ensure that the handling deputy attempts to obtain a photograph of the missing person and/or suspect as soon as possible.

(g) Direct the Records Section to enter the photograph into WACIC and NCIC, then send an email to the WSP Missing Persons Unit (MPU).

(h) Appoint a PIO to handle the media.

1. The PIO should notify the media through appropriate channels regarding the Endangered Person Advisory. Upon request, the WSP MPU can provide electronic posters with details of the missing person.

2. If the Endangered Missing Person is 21 years of age or younger, NCMEC should be notified as soon as practicable.

(i) The Records 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.

332.6 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 Skagit 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.

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332.6.1 CRITERIA
All of the following criteria are required to exist prior to initiating a Blue Alert (RCW 10.108.030):

(a) The suspect has not been apprehended.

(b) The suspect poses a serious threat to the public.

(c) Sufficient information is available to disseminate to the public to assist in locating and apprehending the suspect.

(d) The release of the information will not compromise the investigation.

(e) The release of the information will not improperly notify a deputy’s next of kin.

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

(a) Direct Records Section personnel to prepare a Blue Alert administrative message through ACCESS. The words, "Blue Alert Advisory" should be included in the title of the message.

(b) Contact WSP Communications to verify that the advisory was received and, if available, provide the suspect's vehicle information and request the Washington Department of Transportation (WSDOT) to activate variable message signs.

(c) Ensure that descriptive information about the suspect, the suspect's whereabouts, and the suspect's method of escape is disseminated.

(d) Appoint a PIO to issue press releases and handle media inquiries.

1. The PIO 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) Notify Skagit 911 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.

332.7 OTHER RESOURCE CONSIDERATIONS
The Shift 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)

1. Monitor the Cyber Tipline® link and post missing children alerts

(d) The National Oceanic Atmospheric Administration (NOAA)

1. Will relay AMBER Alerts over Weather Radio

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332.8 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.

332.8.1 CRITERIA

All of the following criteria must exist prior to initiating a Hit-and-Run Alert:

(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.

332.8.2 PROCEDURE

Should the Shift Sergeant or supervisor determine that the incident meets the criteria of a Hit-and-Run Alert, the Shift 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 Skagit 911 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.

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Victim Witness Assistance

334.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

334.2 POLICY

The Skagit County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Skagit County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

334.3 CRIME VICTIM LIAISON

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

334.3.1 SPECIFIC VICTIM LIAISON DUTIES

The crime victim liaison should:

(a) Ensure that the Office affords victims and witnesses their appropriate rights (RCW 7.69.030; RCW 7.69B.020; RCW 70.125.110).

(b) Ensure that child victims and witnesses are provided appropriate services and rights (RCW 7.69A.030).

(c) Coordinate with the County Prosecutor’s Office to ensure that all other required notifications are provided to victims and witnesses.

334.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim’s safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written office material or available victim resources.

334.4.1 RIGHT OF IMMEDIATE MEDICAL ASSISTANCE

Victims have the right to immediate medical assistance and should not be detained for an unreasonable length of time before having such assistance administered. The deputy may accompany the victim to a medical facility to question the victim about the criminal incident if the questioning does not hinder the administration of medical assistance (RCW 7.69.030).

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334.5 VICTIM INFORMATION

The Administrative Services Bureau Chief shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims including domestic violence and sexual assault victims.

(b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; RCW 70.125.110).

(c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(d) A clear explanation of relevant court orders and how they can be obtained.

(e) Information regarding available compensation for qualifying victims of crime.

(f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(g) Notice regarding U-Visa and T-Visa application processes.

(h) Resources available for victims of identity theft.

(i) A place for the deputy's name, badge number, and any applicable case or incident number.

(j) A written statement enumerating the rights of victims (RCW 7.69.030; RCW 7.69A.030; RCW 7.69B.020).

(k) The name, address, and telephone number of the local victim/witness program, or contact information for the Washington Coalition of Crime Victim Advocates.

(l) An advisement notifying victims of domestic violence of their right to personally initiate a criminal proceeding when a deputy does not exercise arrest powers or initiate criminal proceedings by citation (RCW 10.99.030).

(m) Information about the address confidentiality program (RCW 40.24.030).

334.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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334.7 WITNESS INFORMATION

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

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

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Hate Crimes

336.1 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.

336.2 DEFINITIONS

Definitions related to this policy include:

Hate crime - A crime motivated 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.

336.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this office is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.

(b) Providing victim assistance and community follow-up or identifying available resources to do so.

(c) Educating community and civic groups about hate crime laws.

336.4 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.

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(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. All related reports should be clearly marked "Hate Crime."

(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.

336.4.1 INVESTIGATION UNIT RESPONSIBILITY

If a hate crime case is assigned to the Investigation Unit, the assigned investigator will be responsible for:

(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.

(c) Maintaining statistical data and tracking of suspected hate crimes required by state law, and reporting such data to the Washington Association of Sheriffs and Police Chiefs (WASPC) (RCW 36.28A.030).

336.5 TRAINING

All members of this office should receive training on hate crime recognition and investigation.

336.6 POLICY

The Skagit 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.

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Standards of Conduct

338.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Skagit 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.

338.2 POLICY

The continued employment or appointment of every member of the Skagit 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.

338.3 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.

338.3.1 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 a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, 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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338.3.2 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.

338.4 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.

338.5 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.

338.5.1 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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338.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Skagit 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.

338.5.3 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while onduty or through the use of one’s official capacity.

(b) Engaging in onduty 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.

338.5.4 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.

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338.5.5 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.

338.5.6 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 Personnel Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

338.5.7 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.

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(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 offduty that brings discredit to this office.

338.5.8 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).

(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, disrespectful, or discriminatory 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.

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(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.

338.5.9 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.

(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.

338.5.10 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.

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(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

338.5.11 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.

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Information Technology Use

340.1 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.

340.1.1 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 Skagit 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.

340.2 POLICY

It is the policy of the Skagit 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.

340.3 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).

340.4 RESTRICTED USE

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

340.4.1 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.

340.4.2 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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340.4.3 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.

340.4.4 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.

340.5 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.

340.6 INSPECTION OR REVIEW

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

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

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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.

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Report Preparation

342.1 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.

342.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

342.2 REQUIRED REPORTING

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

342.2.1 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

342.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

(a) Any time a deputy points a firearm at any person.

(b) Any use of force against any person by a member of this department (see the Use of Force Policy).

(c) Any firearm discharge (see the Firearms Policy).

(d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).

(e) Any found property or found evidence.

(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(h) All protective custody detentions.

(i) Suspicious incidents that may place the public or others at risk.

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

342.2.3 DEATH CASES

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

(a) Sudden or accidental deaths.

(b) Suicides

(c) Homicide or suspected homicide.

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(d) Unattended deaths (No physician in attendance within 36 hours preceding death).

(e) Found dead bodies or body parts.

342.2.4 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.

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

(a) The injury is a result of drug overdose.

(b) Attempted suicide.

(c) The injury is major/serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

342.2.6 ALTERNATE REPORTING FOR VICTIMS
Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.

(b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.

1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.

(c) Misdemeanor vandalism with no suspect information and no hate crime implications.

(d) Vehicle prowls with no suspect information or evidence.

(e) Stolen vehicle attempts with no suspect information or evidence.

(f) Annoying telephone calls with no suspect information.

(g) Identity theft without an identifiable suspect.

(h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

(i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.

(j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims

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to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

342.3 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.

342.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

342.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

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

342.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should use the appropriate workflow method. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

342.5 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.

342.6 ELECTRONIC SIGNATURES

The Skagit County Sheriff's Office has established an electronic signature procedure for use by all employees of the Skagit County Sheriff's Office. The Chief of Administrative Services shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

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Media Relations

344.1 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.

344.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Bureau Chiefs, Shift Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

344.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department 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 department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Sheriff.

344.3 MEDIA ACCESS

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

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.

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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 Sergeant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Sheriff and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

344.3.1 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.

344.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Shift Sergeant. 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, birth date and charges for each person arrested by this department unless the release of such information would endanger

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the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the Public Records Officer, or if unavailable, to the Shift Sergeant. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56.001 et seq.).

344.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained.

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Subpoenas and Court Appearances

346.1 PURPOSE AND SCOPE

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

346.2 POLICY

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

346.3 SUBPOENAS

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

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

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

346.3.1 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 Skagit 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 Skagit 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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346.3.2 CIVIL SUBPOENA
The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

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

346.3.3 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.

346.4 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.

346.5 STANDBY
To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

346.6 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 department 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.

346.6.1 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.

346.7 OVERTIME APPEARANCES
When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

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Outside Agency Assistance

350.1 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.

350.2 POLICY

It is the policy of the Skagit County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

350.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift 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 department, the Shift 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 department.

Deputies may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

350.3.1 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 Skagit County Sheriff's Office shall notify his/her supervisor or the Shift Sergeant and Skagit 911 as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

350.4 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.

350.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Sergeant.

350.6 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 Services Bureau Chief 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 Skagit 911 and the Shift Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Sergeant should maintain documentation that the appropriate members have received the required training.

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Registered Offender Information

354.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Skagit 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.

354.2 POLICY

It is the policy of the Skagit 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.

354.3 REGISTRATION

The Investigation 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.

354.3.1 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.

354.3.2 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.

354.4 MONITORING OF REGISTERED OFFENDERS

The Investigation 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 Skagit County Sheriff's Office, the Investigation 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 Investigation Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Skagit County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

354.4.1 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)).

354.5 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 Skagit County Sheriff's Office’s website.

The Chief of Administrative Services 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.

354.5.1 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 Skagit County Sheriff's Office has no authority to direct where an offender may live.

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354.5.2 MANDATORY NOTIFICATION
The Criminal Investigations Bureau Chief 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)).

354.5.3 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.

354.5.4 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

354.6 SEX OFFENDER RISK ASSESSMENT

The Criminal Investigations Bureau Chief 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 Skagit 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.

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Major Incident Notification

356.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

356.2 POLICY

The Skagit County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

356.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Bureau Chief. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides.
- Traffic accidents with fatalities.
- Officer-involved shooting on- or off-duty (See the Officer-Involved Shootings and Deaths Policy for special notifications).
- Significant injury or death to employee on- or off-duty.
- Death of a prominent Skagit County official.
- Arrest of Department employee or prominent Skagit County official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.

356.4 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant is responsible for making the appropriate notifications. The Shift Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Sergeant shall attempt to make the notifications as soon as practical. Notification should be made by calling the home phone number first and then any additional contact numbers supplied.

356.4.1 STAFF NOTIFICATION

In the event an incident occurs described in MINIMUM CRITERIA FOR NOTIFICATION, the Sheriff shall be notified along with the affected Bureau Chief and the Detective Sergeant if that bureau is affected.

356.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the on duty supervisor shall contact the on call detective.

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356.4.3 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

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Death Investigation

358.1 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.

358.2 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Criminal Investigations Bureau Commander as necessary. The Shift Sergeant will make notification to command staff in accordance with the Major Incident Notification Policy.

358.2.1 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.

(l) Where death results from alleged rape, carnal knowledge, or sodomy.

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(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).

358.2.2 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be appropriately documented.

358.2.3 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 Investigation 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 Shift Sergeant or Investigation 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.

358.2.4 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).

358.2.5 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.

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358.3 POLICY

It is the policy of the Skagit County Sheriff's Office to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

358.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling deputy will request from the Coroner a unique identifying number for the body. The number shall be included in any report.

358.5 DEATH NOTIFICATION

When reasonably practicable, 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 a deceased person has been identified as a missing person, this office shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

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Identity Theft

360.1 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.

360.2 REPORTING

This department will initiate an incident report whenever a person reasonably suspects that his/her financial information or means of identification has been unlawfully obtained, used, or transferred to another person or entity in all cases where the victim resides or works within this jurisdiction, or where any part of the crime occurred within this jurisdiction. The employee receiving the report will ensure that the complainant receives a copy of the incident report (RCW 9.35.050).

In cases where the reporting party does not reside or work within this jurisdiction and there is no known or suspected criminal activity occurring within this jurisdiction the reporting party may be referred to the appropriate law enforcement agency having jurisdiction. If it is not reasonably practical for the reporting party to file a timely report with his/her home jurisdiction the receiving employee should take a courtesy incident report to be forwarded to the agency having jurisdiction.

Reports should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

The employee preparing the report should also cross-reference all other known reports made by the victim (e.g., US Secret Service, credit reporting bureaus, US Postal Service and DOL) with all known report numbers.

Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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Removal of Unauthorized Individuals on Premises

362.1 PURPOSE AND SCOPE

Individuals who occupy residential real property without consent of the property owner or person having the right to possession must surrender the possession of the property upon demand. This policy is intended to provide guidelines for application of legislation enacted in 2017 providing the property owner or person having right to possession the means to secure law enforcement assistance.

362.2 EVALUATING UNAUTHORIZED PERSON'S STATUS

Where an owner or owner’s authorized agent provides a declaration in compliance with RCW 9A.52.115, regarding an unauthorized person in a building considered residential real property, Deputies should consider removal of unauthorized persons as provided in RCW 9A.52.105.

Deputies must provide the occupant or occupants with a reasonable opportunity to secure and present any credible evidence, which the officer must consider, showing that the person or persons are tenants, legal occupants, or the guests or invitees of tenants or legal occupants.

Deputies having probable cause to believe that a person is guilty of criminal trespass under RCW 9A.52.070 for knowingly entering or remaining unlawfully in a building considered residential real property, have the discretionary authority to remove the person or persons, with or without arrest, or order the person or persons to remain off the premises or be subject to arrest for criminal trespass.

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Limited English Proficiency Services

366.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d).

366.1.1 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 Skagit 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).

366.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages department personnel could encounter, the Department will utilize the four-factor analysis outlined in the United States Department of Justice LEP *Guidance to Federal Financial Assistance Recipients* in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis therefore, must remain flexible and requires an ongoing balance of the following four factors:

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(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by deputies or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with deputies, 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.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or its personnel.

While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

366.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

366.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to the following assistance methods.

366.3.1 BILINGUAL PERSONNEL

Personnel utilized for LEP services need not be certified as interpreters but must have demonstrated, through established department procedures, a level of competence to ascertain whether his/her language skills are best suited to monolingual communications, interpretation, translation, or all or none of these functions.

All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when functioning as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from this department are not available, personnel from other city departments who have the requisite training may be requested.

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366.3.2 WRITTEN FORMS AND GUIDELINES
This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to department personnel and other appropriate individuals.

366.3.3 AUDIO RECORDINGS
The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

366.3.4 TELEPHONE INTERPRETER SERVICES
The Shift Sergeant and the Dispatch Supervisor will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist department personnel in communicating with LEP individuals via official cellular telephones.

366.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION
Where competent bilingual departmental personnel or other department-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended and department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see section V(3) of the U.S. DOJ Final Guidance available at the U.S. DOJ website).

366.4 LEP CONTACT SITUATIONS AND REPORTING
While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that they may be targeted where they are most needed.

Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

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366.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

366.4.2 EMERGENCY CALLS TO 9-1-1

When a 9-1-1 call-taker determines that the caller is an LEP individual, the call-taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Skagit 911, the call-taker should immediately connect the LEP caller to the interpreter.

If an appropriate authorized interpreter is not available, the call-taker will promptly connect the LEP caller to the contracted telephonic interpretation service directly for assistance in completing the call. Dispatchers will make every effort to dispatch a bilingual deputy to the assignment, if available.

The Skagit County Sheriff's Office will take reasonable steps and will work with the Personnel Department to hire and develop in-house language capacity in Skagit 911 by hiring qualified personnel with specific language skills.

366.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

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 which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in this policy to provide appropriate language assistance.

Although not every situation can be addressed within this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

366.4.4 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses,

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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.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

366.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners. Therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

366.4.6 COMPLAINTS

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

366.4.7 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

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366.5 TRAINING

In an effort to ensure that all personnel in public contact positions (or having contact with those in custody) are properly trained, the Department will provide periodic training to personnel about LEP policies and procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring all new personnel receive LEP training and that all personnel receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, with a copy in each member's training file, in accordance with established records retention schedules.

366.6 INTERPRETERS AND TRANSLATORS

Department personnel who are called upon to interpret, translate or provide other language assistance, will be trained annually on language skills competency (including specialized terminology) and ethical considerations.

(a) Assessment: The Skagit County Sheriff's Office personnel identified as bilingual, who are willing to act as authorized interpreters, will have their language skills assessed by a professional interpreter using a structured assessment tool established by the Training Sergeant. Personnel found proficient in interpreting into and from the target language will be placed conditionally on the authorized interpreters list.

(b) Training: All personnel conditionally placed on the authorized interpreter list must successfully complete the prescribed interpreter training within one year. After successful completion of interpreter training, the individual will be unconditionally placed on the authorized interpreter list. 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 advisor.

(c) Refresher course for authorized interpreters: Personnel who have been unconditionally placed on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. The Training Unit shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.

The LEP Coordinator will ensure that the authorized interpreters list is kept current and a copy forwarded to Skagit 911.

366.7 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES

(a) A list of department bilingual employees, languages spoken and contact and shift information

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(b) A list of department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information

(c) The telephone number and access code of telephonic interpretation services

(d) Language identification cards

(e) Translated *Miranda* warning cards and other frequently used documents

(f) Audio recordings/warnings that are developed in non-English languages

366.8 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.

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.

366.8.1 LEP COORDINATOR

The Sheriff will appoint an LEP Coordinator who is responsible for coordinating and implementing all aspects of the Skagit County Sheriff's Office services to LEP individuals.

The LEP Coordinator shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.

The LEP Coordinator will also be responsible for annually reviewing all new documents issued by the Skagit County Sheriff's Office to assess whether they should be considered vital documents and be translated.

366.9 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.

366.10 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.

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The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

366.10.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Search and Rescue

372.1 PURPOSE

Search and Rescue (SAR) includes the search for, and provision of aid to, persons who are, or are feared to be, in need of assistance beyond the capabilities of a general patrol deputy.

This section provides guidance relating to the Skagit County Search and Rescue unit and general authority to perform search and rescue missions within Skagit County.

372.2 AUTHORITY

Washington State Laws (RCW 38.52.400) mandate that the Chief Law Enforcement Officer of each political sub division in the state bears ultimate responsibility for all SAR activities in his/her respective jurisdiction.

Washington State Laws (RCW 38.52.400) provides that the Chief Law Enforcement Officer of each political subdivision may restrict access to a specific search and rescue area to personnel authorized by him or her. Access shall be restricted only for the period of time necessary to accomplish the search and rescue mission. No unauthorized person shall interfere with a search and rescue mission.

All SAR activities will be conducted in accordance with Washington State guidelines under WAC 118.04, RCW 38.52, and the Sheriff’s Office policy and procedures.

372.3 OBJECTIVES

See attachment: Skagit County SAR Policy revised 20160107.pdf

It is the intent of the Skagit County Sheriff's Office to maintain a Search and Rescue Unit as a resource.

The primary objective and responsibility of Search and Rescue will be to locate and/or rescue persons in situations outside the realm of the oridinary patrol response. This may be accomplished through the use of volunteers with developed skills, training, and specialized equipment that is beyond a general patrol deputy's capabilities.

The Skagit County Search and Rescue volunteers may assist in Search and Rescue operations outside of per the procedures outlined in the Skagit County Search and Rescue Standard Operating Procedures Manual.

The Skagit County Search and Rescue Unit will adhere to procedures outlined in the Skagit County Search and Rescue Standard Operating Procedures Manual.

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Chaplains

377.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Skagit County Sheriff's Office chaplains to provide counseling or emotional support to members of the Department, their families and members of the public (RCW 41.22.030; RCW 41.22.040).

377.2 POLICY

The Skagit County Sheriff's Office shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

377.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.

(b) Managing their households, families and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) A minimum of five years of successful counseling experience.

(f) Possession of a valid driver license.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

377.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Skagit County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

377.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

377.4.2 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.

377.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and 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 Skagit County Sheriff's Office identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Skagit County Sheriff's Office identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

377.6 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Field Services Bureau. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person’s intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Skagit County Sheriff's Office.

377.6.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

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377.6.2 OPERATIONAL GUIDELINES

(a) Generally, each chaplain will serve with Skagit County Sheriff's Office personnel a minimum of eight hours per month.

(b) Chaplains shall be permitted to ride with deputies during any shift and observe Skagit County Sheriff's Office operations, provided the Shift Sergeant has been notified and has approved the activity.

(c) Chaplains shall not be evaluators of members of the Department.

(d) In responding to incidents, a chaplain shall never function as a deputy.

(e) 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.

(f) Chaplains shall serve only within the jurisdiction of the Skagit County Sheriff's Office unless otherwise authorized by the Sheriff or the authorized designee.

(g) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

377.6.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol 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.

377.6.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

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(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

377.6.5 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 Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

377.7 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Skagit County Sheriff's Office in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Skagit County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

377.8 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Sergeant, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality

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- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Deputy injury or death
- Sensitivity and diversity

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Public Safety Video Surveillance System

375.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of office public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked 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.

375.2 POLICY

The Skagit County Sheriff's Office operates a public safety video surveillance system 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 throughout the County to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist County officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

375.3 OPERATIONAL GUIDELINES

Only office-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment 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 locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

375.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Sheriff should confer with other affected County divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

(a) To prevent, deter and identify criminal activity.

(b) To target identified areas of gang and narcotics complaints or activity.

(c) To respond to critical incidents.

(d) To assist in identifying, apprehending and prosecuting offenders.

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(e) To document deputy and offender conduct during interactions to safeguard the rights of the public and deputies.

(f) To augment resources in a cost-effective manner.

(g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding deputies in a timely manner.

The Sheriff may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than sheriff's personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

375.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under sheriff's surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

375.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Office may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial 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 systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

375.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within office policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

375.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

(a) Date and time access was given.

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(b) Name and agency of the person being given access to the images.

(c) Name of person authorizing access.

(d) Identifiable portion of images viewed.

375.4.2 PROHIBITED ACTIVITY

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 an unequal or discriminatory manner and shall not target individuals or groups 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.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

375.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media 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. The recordings should be stored and retained in accordance with the established records retention schedule.

375.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. 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.

375.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Skagit County Sheriff's Office.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for office public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Shift Sergeant for release in accordance with a specific and legitimate law enforcement purpose.

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Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established office subpoena process.

375.7 VIDEO SURVEILLANCE AUDIT

The Sheriff or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Sheriff or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

375.8 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.

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Child and Dependent Adult Safety

377.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

377.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Skagit 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.

377.3 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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377.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

  1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

  1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify the Department of Social and Health Services, if appropriate.

(e) Notify the field supervisor or Shift 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 department Child Abuse Policy (RCW 26.44.250).

377.3.2 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.

377.3.3 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

377.3.4 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.

377.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

377.5 TRAINING

The Training Sergeant is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Service Animals

379.1 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).

379.1.1 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).

379.2 POLICY

It is the policy of the Skagit County Sheriff's Office to provide services and 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.

379.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Office members are expected to treat individuals with service animals with the same courtesy and respect that the Skagit County Sheriff's Office affords to all members of the public (28 CFR 35.136).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.

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- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

379.4 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.

379.5 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.

379.6 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, a 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.

379.7 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

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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).

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Volunteer Program

381.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

381.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

381.2 VOLUNTEER MANAGEMENT

381.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Administrative Services Bureau Chief. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

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(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

381.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

381.2.3 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.

381.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

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381.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

381.2.6 VOLUNTEER AUTHORITY AND LIMITATIONS

Volunteers are strictly prohibited from engaging in the enforcement of criminal laws and are not authorized to perform duties reserved for sworn law enforcement personnel. Their role is limited to providing assistance with special event traffic and parking control under the direction and supervision of the Sheriff's Office. Volunteers shall not participate in pursuits, detentions, arrests, or any actions involving the use of force, including deadly force. They are further prohibited from carrying, displaying, or using firearms, less-lethal weapons, or any other devices designed to incapacitate or control individuals. Additionally, volunteers may not use dogs to track or locate people or animals except when specifically approved for search and rescue operations coordinated by the Sheriff's Office. This policy is intended to clearly define the scope of volunteer responsibilities, ensure public safety, and protect both volunteers and the community by preventing unauthorized or unsafe actions that could create liability or risk. Volunteers must always operate within the limits of their assignment and defer all criminal law enforcement functions to trained, sworn deputies.

381.2.7 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

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381.2.8 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

381.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

381.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

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Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

381.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty.

Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

381.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid Washington Driver's License.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and volunteers are not authorized to operate a Department vehicle Code-3.

381.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete Central Computerized Enforcement Service System (ACCESS) and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and ACCESS training is provided for volunteers whenever necessary.

381.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

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381.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

381.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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Sheriff's Community Oriented Policing Effort

382.1 PURPOSE

The Sheriff's Office Community Oriented Policing Effort (SCOPE) is one of the commitments to our goals of reducing crime and improving the quality of life through an outreach program that enables volunteers to serve their community and act as a liaison between law enforcement and the citizens ofSkagit County.

382.2 DEFINED

SCOPE is an extension of theSkagit County Sheriff's Office community policing efforts. This organized group of trained volunteers works with deputies to improve safety and deter crime activity.

382.3 OBJECTIVES

- Empower citizens to take ownership of their community.
- Increase law enforcement visibility in neighborhoods.
- Bring law enforcement services closer to the community.

382.4 ELIGIBILITY

See attachment: Skagit County Sheriff SCOPE Policy and Procedure Manual.pdf

Adults over 19 years of age, who have successfully completed the Sheriff's Office Volunteer Training Program, as well as any additional Sheriff's Office required training, are eligible to become SCOPE members.

No person will be disqualified because of race, color, creed, national origin, religious belief, gender, or sexual orientation.

Persons may be disqualified at the discretion of the Sheriff, or designee, for reasons such as, but not limited to, criminal activity, excessive traffic violations, or actions compromising the integrity of credibility of the Office or the Program.

Applicants must abide by all SCOPE rules, regulations, and procedures set forth in the SCOPE Policy and Procedures Manual.

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Off-Duty Law Enforcement Actions

383.1 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 Skagit County Sheriff's Office with respect to taking law enforcement action while off-duty.

383.2 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 deputy of this office who becomes aware of an incident or circumstance that the deputy reasonably believes would justify the use of deadly force or result in significant property damage may take reasonable action to minimize or eliminate the threat (see the Use of Force Policy).

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.

383.3 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.

383.4 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.

383.4.1 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 Skagit County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

383.4.2 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.

383.4.3 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.

383.4.4 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.

383.5 REPORTING

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Sergeant as soon as practicable. The Shift 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.

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Office Use of Social Media

384.1 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).

384.1.1 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.

384.2 POLICY

The Skagit County Sheriff's Office will use social media as a method of effectively informing the public about office services, issues, investigations, recruitment, and other relevant events.

Office members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all people.

384.3 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. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over office social media by members who are not authorized to post should be made through the member’s chain of command.

384.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the office mission, and that conforms to all office policies regarding the release of information may be posted.

Examples of appropriate content include:

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(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the 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.

384.4.1 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.

384.5 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 Skagit 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.

384.5.1 PUBLIC POSTING PROHIBITED

Office social media sites shall be designed and maintained to prevent posting of content by the public.

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The Office may provide a method for members of the public to contact office members directly.

384.6 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, 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.

384.7 RETENTION OF RECORDS

The Administrative Services Bureau Chief 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.

384.8 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.

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Native American Graves Protection and Repatriation

385.1 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.).

385.1.1 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 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.

385.2 POLICY

It is the policy of the Skagit County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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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.

385.3 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

385.4 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).

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Extreme Risk Protection Orders

386.1 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.

386.1.1 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.

386.2 POLICY

It is the policy of the Skagit 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.

386.3 EXTREME RISK PROTECTION ORDERS

A deputy who reasonably believes a person, including a minor (person under the age of 18), is a present significant danger to him/herself themselves or another person by controlling, owning, having in their custody or control, purchasing, possessing, accessing, receiving or otherwise having custody of , or attempting to purchase or receive a firearm should may request permission from his/her the deputy's supervisor to petition the court for an extreme risk protection order (RCW 7.94.050). Supervisors should consider whether the petition should be pursued by law enforcement or could be pursued by family members. Factors to consider include but are not limited to whether there are any threats directed towards or risks to law enforcement, the historical information or family member, the nature of the relationship, the extent to which the family member will be required to be present for court hearings and the ability of the family member to handle the proceeding. If the Sheriff's Office pursues a petition, no representations should be made about the chance of success in obtaining a petition.

Deputies petitioning the court shall use any standard petition and order forms created by the administrative office of the court (RCW 7.94.030; RCW 7.94.150).

The petition shall comply with the requirements of RCW 7.94.030 as applicable.

386.3.1 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

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already been sought and include referrals to appropriate resources, including behavioral health, domestic violence, and counseling (RCW 7.105.110).

386.3.2 REQUIREMENTS OF PETITION
An application for an extreme risk protection order should be prepared, filed, and served consistent with state law and the procedures developed by the extreme risk protection order coordinator (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):

(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 [officer_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 reasonably identifiable, any pending lawsuits, complaints, petitions, or other action between the person and the Skagit 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).

386.4 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). Given the desire to intervene as soon as possible

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due to the demonstrated risk and threat of harm, the service of an ERPO must be attempted by law enforcement within 24-hours of receiving the order from the court.

Given the heightened risks presented by the underlying facts and the nature of these orders, the respondent /restrained person may be uncooperative and present a significant ongoing danger to themselves or others, as well as to the law enforcement officers who serve the order.

As part of the Service Plan and Service Risk Assessment conducted by the agency, officers are expected to use time, distance, and shielding to encourage voluntary compliance with the order by the respondent for the surrender of all firearms, dangerous weapons, and any CPL.

386.4.1 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 Chief of Administrative Services.

(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 Chief of Administrative Services.

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

386.5 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.

386.6 CHIEF OF ADMINISTRATIVE SERVICES RESPONSIBILITIES

The Chief of Administrative Services 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.

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(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.

386.7 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 Chief of Administrative Services.

(e) Package and submit the firearms in accordance with the Property and Evidence Policy.

386.8 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).

386.9 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Investigation 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).

386.10 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).

386.11 ORDERS TO SHOW CAUSE

When the Office receives notice from the court of an order to show cause, the Investigation 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

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(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.

386.12 ASSISTANCE TO FAMILY MEMBERS

When a law enforcement officer encounters a family or household member who expresses interest in petitioning for an ERPO, information should be provided to the person about the ERPO process and how an ERPO may be obtained at Superior Court (or through Juvenile Court when the petition involves a minor). A temporary ERPO (ex-parte) can also be obtained at District Court, but it will later be transferred to Superior Court for the full hearing.

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ADA Compliance

388.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Skagit 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. See the Immigration Considerations Policy for direction regarding the state law prohibition of the use of federal immigration authorities as interpreters and language services providers.

388.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The member designated by the Sheriff to coordinate the office's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Skagit 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 authorized by the Office as a language services provider who is able to interpret effectively, accurately, and impartially, both receptively and expressively,

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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.

388.2 POLICY

It is the policy of the Skagit 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.

388.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

(a) Collaborating with the County ADA coordinator regarding the Skagit County Sheriff's Office's efforts to provide equal access to services, programs, and activities.

1. 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) Collaborating with the County ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:

1. Inspection of current office facilities to identify access issues.
2. Review of current office services, activities, and programs for access issues.
3. Assessment and update, if necessary, of current compliance measures.
4. Identification of recurring areas of complaint for which new methods of modification should be considered.
5. Review of the office's emergency programs, services, and activities as they apply to persons with disabilities.
6. Recommendation of a schedule to implement needed improvements.

(c) Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to office services, programs, and activities.

(d) Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.

1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.

(e) Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to office services, programs, and activities, as appropriate.

(f) Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.

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(g) 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).

(h) 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).

(i) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).

(j) Verifying that third parties providing office services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.

(k) Recommending amendments to this policy as needed.

388.4 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 the ADA coordinator for processing as soon as reasonably practicable.

388.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

(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.

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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, the ADA coordinator should work with office members and 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, the ADA coordinator should work with office members 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 issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

388.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort 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).

388.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

388.5 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. The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method may be effective include:

(a) The methods of communication usually used by the individual.

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(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.

388.5.1 TYPES OF ASSISTANCE AVAILABLE

Office members shall not refuse an available type of 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.

388.5.2 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.

388.5.3 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) Available within a reasonable amount of time.

(b) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.

(c) Familiar with the use of text- and video-based communications products and systems.

(d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).

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(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use 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).

388.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other 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).

388.5.5 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.

388.5.6 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).

388.5.7 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.

388.6 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.

388.7 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.

388.8 WEBSITE ACCESS

The ADA coordinator should work with the appropriate 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.

388.9 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.

388.10 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 promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Office shall assist persons with disabilities who require assistance to file a complaint regarding members of this office. The Office may provide a qualified interpreter or forms in enlarged print, as appropriate.

388.11 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 Sergeant 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.

388.11.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of office assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.

(d) Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

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ADA Compliance

Training should be provided for all Skagit 911 members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

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Protection Orders

390.1 INTENT BEHIND THE LAWS

This section outlines the overarching intent and goals of the laws related to Protection Orders, Orders to Surrender and Prohibit Weapons, and Extreme Risk Protection Orders.

The statistical data and research conclusions provided are intended to demonstrate the magnitude of the problem in Washington State and correlate how the protections offered under the law can help to reduce harm to victims (and the community).

390.2 SECURING FIREARMS

Statutes prohibiting persons under Domestic Violence Protection Orders from accessing firearms are associated with overall reductions in intimate partner homicide.

For these reasons, researchers and fatality reviews have long recommended that to reduce intimate partner homicide and other harms, there needs to be improvement to the implementation of laws that prohibit individuals who are legally barred from having or acquiring guns, including more focus on ensuring firearms are swiftly removed from dangerous situations and enforcing compliance with court orders.

In recognition of these risks, federal law since the 1990's has prohibited firearm possession by those convicted of DV offenses and those subject to qualifying DV Protection Orders. But federal law does not include emergency temporary orders, other types of Protection Orders with similar risks, such as sexual assault, stalking, or harassment, or require firearms a respondent already has to be relinquished for the duration of the Protection Order.

390.3 SECOND AMENDMENT BALANCE

In June 2024, the United States Supreme Court in United States v. Rahimi held a court could prohibit firearm possession by a person with a Domestic Violence Restraining Order (called a civil protection order in many states, including Washington) in the absence of a corresponding criminal domestic violence conviction or charge. The Court held that when an individual has been found by a court to pose a credible threat to the physical safety of another, that individual may be temporarily disarmed consistent with the Second Amendment.

390.4 STATUTORY DEFINITIONS RELATED TO PROTECTION ORDERS

The following definitions are related to Civil Protection Orders under RCW 7.105.010:

"Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" for the purposes of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause

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physical harm, pain, or mental anguish. "Abuse" includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a vulnerable adult, which have the following meanings:

- "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline, or in a manner that is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; is not medically authorized; or otherwise constitutes abuse under this section.
- "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.
- "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior or causing the vulnerable adult to perform services for the benefit of another.
- "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.
- "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not the sexual conduct is consensual.

"Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

"Coercive control" means a pattern of behavior that is used to cause another to suffer physical, emotional, or psychological harm, and in purpose or effect unreasonably interferes with a person's free will and personal liberty. In determining whether the interference is unreasonable, the court shall consider the context and impact of the pattern of behavior from the perspective of a similarly situated person. Examples of coercive control include, but are not limited to:

- Intimidation or controlling or compelling conduct by: Damaging, destroying, or threatening to damage or destroy, or forcing the other party to relinquish, goods, property, or items of special value; using technology to threaten, humiliate, harass, stalk, intimidate, exert undue influence over, or abuse the other party, including by engaging in cyberstalking, monitoring, surveillance, impersonation, manipulation of

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electronic media, or distribution of or threats to distribute actual or fabricated intimate images;

- Carrying, exhibiting, displaying, drawing, or threatening to use, any firearm or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate the other party or that warrants alarm by the other party for their safety or the safety of other persons;
- Driving recklessly with the other party or minor children in the vehicle;
- Communicating, directly or indirectly, the intent to harm the other party's children, family members, friends, or pets, including by use of physical forms of violence; harm the other party's career; attempt suicide or other acts of self-harm; or contact local or federal agencies based on actual or suspected immigration status;
- Exerting control over the other party's identity documents;
- Making, or threatening to make, private information public, including the other party's sexual orientation or gender identity, medical or behavioral health information, or other confidential information that jeopardizes safety;
- Engaging in sexual or reproductive coercion;
- Causing dependence, confinement, or isolation of the other party from friends, relatives, or other sources of support, including schooling and employment, or subjecting the other party to physical confinement or restraint;
- Depriving the other party of basic necessities or committing other forms of financial exploitation;
- Controlling, exerting undue influence over, interfering with, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or employment, including but not limited to interference with or attempting to limit access to services for children of the other party, such as health care, medication, childcare, or school-based extracurricular activities;
- Engaging in vexatious litigation or abusive litigation as defined in RCW 26.51.020 against the other party to harass, coerce, or control the other party, to diminish or exhaust the other party's financial resources, or to compromise the other party's employment or housing; or
- Engaging in psychological aggression, including inflicting fear, humiliating, degrading, or punishing the other party.

Coercive control does not include protective actions taken by a party in good faith for the legitimate and lawful purpose of protecting themselves or children from the risk of harm posed by the other party.

"Consent" in the context of sexual acts means that at the time of sexual contact, there are actual words or conduct indicating freely given agreement to that sexual contact. Consent must be ongoing and may be revoked at any time. Conduct short of voluntary agreement does not constitute consent as a matter of law. Consent cannot be freely given when a person does not

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have capacity due to disability, intoxication, or age. Consent cannot be freely given when the other party has authority or control over the care or custody of a person incarcerated or detained.

"Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. This includes any form of communication, contact, or conduct, including the sending of electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

In determining whether the course of conduct serves any legitimate or lawful purpose, a court should consider whether: Any current contact between the parties was initiated by the respondent only or was initiated by both parties; the respondent has been given clear notice that all further contact with the petitioner is unwanted; the respondent's course of conduct appears designed to alarm, annoy, or harass the petitioner; the respondent is acting pursuant to any statutory authority including, but not limited to, acts which are reasonably necessary to: Protect property or liberty interests; enforce the law; or meet specific statutory duties or requirements. The respondent's course of conduct has the purpose or effect of unreasonably interfering with the petitioner's privacy or the purpose or effect of creating an intimidating, hostile, or offensive living environment for the petitioner; or contact by the respondent with the petitioner or the petitioner's family has been limited in any manner by any previous court order.

"Court clerk" means court administrators in courts of limited jurisdiction and elected court clerks.

"Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

"Domestic violence" means:

- Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or
- Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.

"Electronic monitoring" has the same meaning as in RCW 9.94A.030.

"Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. This includes, but is not limited to, clothing, cribs, bedding, medications, personal hygiene items, cellular phones and other electronic devices, and documents, including immigration, health care, financial, travel, and identity documents.

"Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family

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homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department of social and health services.

"Family or household members" means persons related by blood, marriage, domestic partnership, or adoption; persons who currently or formerly resided together; persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children; and a person who is acting or has acted as a legal guardian.

"Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. This includes, but is not limited to:

- The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;
- The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, which results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or
- Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

"Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. "Firearm" also includes parts that can be assembled to make a firearm.

"Full hearing" means a hearing where the court determines whether to issue a full Protection Order.

"Full Protection Order" means a Protection Order that is issued by the court after notice to the respondent and where the parties had the opportunity for a full hearing by the court. "Full Protection Order" includes an order entered by the court by agreement of the parties to resolve the petition for a Protection Order without a full hearing.

"Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

"Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of a vulnerable adult, that the person has a good faith belief that the

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court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect their own interests.

"Intimate partner" means spouses or domestic partners; former spouses or former domestic partners; persons who have a child in common regardless of whether they have been married or have lived together at any time, unless the child is conceived through sexual assault; or persons who have or had a dating relationship where both persons are at least 13 years of age or older.

"Isolate" or "isolation" means to restrict a person's ability to communicate, visit, interact, or otherwise associate with persons of their choosing. Isolation may be evidenced by acts including, but not limited to: Acts that prevent a person from sending, making, or receiving their personal mail, electronic communications, or telephone calls; or acts that prevent or obstruct a person from meeting with others, such as telling a prospective visitor or caller that the person is not present or does not wish contact, where the statement is contrary to the express wishes of the person.

> The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing their fiduciary obligations under chapter 11.92 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

"Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.

"Mechanical restraint" means any device attached or adjacent to a vulnerable adult's body that the vulnerable adult cannot easily remove that restricts freedom of movement or normal access to the vulnerable adult's body. This does not include the use of devices, materials, or equipment that are medically authorized, as required, and used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

"Minor" means a person who is under 18 years of age.

"Neglect" means a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety including, but not limited to, conduct prohibited under RCW 9A.42.100.

"Nonconsensual" means a lack of freely given consent.

"Nonphysical contact" includes, but is not limited to, written notes, mail, telephone calls, email, text messages, contact through social media applications, contact through other technologies, or contact through third parties.

"Petitioner" means any named petitioner, or any other person identified in the petition on whose behalf the petition is brought.

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"Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include briefly holding, without undue force, a vulnerable adult in order to calm or comfort them or holding a vulnerable adult's hand to safely escort them from one area to another.

"Possession" means having an item in one's custody or control. Possession may be either actual or constructive. Actual possession occurs when the item is in the actual physical custody of the person charged with possession. Constructive possession occurs when there is no actual physical possession, but there is dominion and control over the item.

"Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

"Sexual conduct" means any of the following: Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing; any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent; any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent; any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others; any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

"Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

"Stalking" means any of the following: Any act of stalking as defined under RCW 9A.46.110; any act of cyber harassment as defined under RCW 9A.90.120; or any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that: Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling; serves no lawful purpose; and the respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

"Temporary Protection Order" means a Protection Order that is issued before the court has decided whether to issue a full Protection Order. "Temporary Protection Order" includes ex parte Temporary Protection Orders, as well as Temporary Protection Orders that are reissued by the court pending the completion of a full hearing to decide whether to issue a full Protection Order.

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An "ex parte Temporary Protection Order" means a Temporary Protection Order that is issued without prior notice to the respondent.

"Unlawful harassment" means a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or a single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner.

A single threat of violence must include:

- A malicious and intentional threat which threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under all the circumstances. A "reasonable person" is a reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same gender expression or identity, or the same mental, physical, or sensory disability as the victim. Words alone do not constitute a hate crime offense unless the context or circumstances surrounding the words indicate the words are a threat. Threatening words do not constitute a hate crime offense if it is apparent to the victim that the person does not have the ability to carry out the threat;
- -or- the presence of a firearm or other weapon.

"Vulnerable adult" includes a person: Sixty years of age or older who has the functional, mental, or physical inability to care for themself; or subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or who has a developmental disability as defined under RCW 71A.10.020; or admitted to any facility; or receiving services from home health, hospice, or homecare agencies licensed or required to be licensed under chapter 70.127 RCW; or receiving services from a person under contract with the Department of Social and Health Services to provide services in the home under chapter 74.09 or 74.39A RCW; or who self-directs their own care and receives services from a personal aide under chapter 74.39 RCW.

Definitions Related to Criminal Domestic Violence: The following definitions relate to the state's official response to Domestic Violence per RCW 10.99.020:

"Agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

"Domestic violence" includes but is not limited to any of the following crimes when committed either by one family or household member against another family or household member, or one intimate partner against another intimate partner:

- Assault in the first degree;

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- Assault in the second degree;
- Assault in the third degree;
- Assault in the fourth degree;
- Drive-by shooting;
- Reckless endangerment;
- Coercion;
- Burglary in the first degree;
- Burglary in the second degree;
- Criminal trespass in the first degree;
- Criminal trespass in the second degree;
- Malicious mischief in the first degree;
- Malicious mischief in the second degree;
- Malicious mischief in the third degree;
- Kidnapping in the first degree;
- Kidnapping in the second degree;
- Unlawful imprisonment;
- Violation of the provisions of a Restraining Order, No-Contact order, or Protection Order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or daycare, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle;
- Rape in the first degree;
- Rape in the second degree;
- Residential burglary;
- Stalking; and
- Interference with the reporting of domestic violence.

"Family or household members" means adult persons related by blood or marriage; adult persons who are presently residing together or who have resided together in the past; and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

"Intimate partners" means spouses or domestic partners; former spouses or former domestic partners; persons who have a child in common regardless of whether they have been married or have lived together at any time; adult persons presently or previously residing together who have or have had a dating relationship; persons 16 years of age or older who are presently residing

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together or who have resided together in the past and who have or have had a dating relationship; or persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship.

"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 chapter 36.28 RCW.

"Victim" means a family or household member or an intimate partner who has been subjected to Domestic Violence.

390.5 TYPES OF PROTECTION ORDERS

Purpose

This section explains the different types of Civil Protection Orders, and the differences among civil Protection Orders, Restraining Orders, No-Contact Orders and Orders to Surrender and Prohibit Weapons (OTSPW). Per RCW 7.105.900: "Washington State has been a national leader in adopting legal protections to prevent and respond to abuse, violence, harassment, stalking, neglect, or other threatening behavior, through the enactment of different types of civil Protection Orders, which are intended to provide a fast, efficient means to obtain protection against perpetrators of these harms.

Civil Protection Orders:

In Washington State, the term "restraining order" has a specific legal meaning (see below). What most people mean when they say, "restraining order" is formally known in Washington as a "protection order." Washington State law provides for several different types of protection orders, which apply to different situations and are designed to meet different needs.

Civil Protection Orders are most often issued by Superior Courts but may also be initially issued by a District Court and then transferred to Superior Court and:

- Include a Petitioner (plaintiff or moving party); this is the person seeking protection from harm.
- Include a Respondent (responding party); the person who is causing or threatening harm.
- The facts presented to the court must meet the preponderance of evidence standard for the court to grant an order.
- The petitioner may request the court modify or terminate a civil order.
- If the court grants the order, then the respondent will be required to follow the conditions imposed by the order. For example, other than for ERPOs, the respondent could be ordered to stop threatening, harming, harassing, or stalking, not have any type of contact, or stay a certain distance away from home, work, or school.
- If the order is violated, the respondent could be subject to arrest and potential criminal charges.

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Chapter 7.105 RCW covers all six types of civil Protection Orders:

- **Domestic Violence Protection Orders, adopted by the legislature in 1984;**

  A civil order to protect against domestic violence or threat of violence by an "intimate partner" or a "family or household member." Domestic violence may include controlling behavior ("coercive control").

  Petitioners may seek protection for themselves and for family or household members who are minors or vulnerable adults.

  A petitioner who has been sexually assaulted, harassed, or stalked by an intimate partner or a family or household member should, but is not required to, seek a DVPO, instead of another type of protection order.

- **Vulnerable Adult Protection Orders, adopted by the legislature in 1986;**

  A civil order to protect a vulnerable adult who has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect by respondent. The vulnerable adult, guardian, or other interested person may file on behalf of the vulnerable adult.

- **Anti-harassment Protection Orders, adopted by the legislature in 1987;**

  A civil order to protect against unwanted contact or behavior that causes substantial emotional distress and serves no legitimate or lawful purpose. The contact could be a pattern of behavior that occurs over time, or a single act or threat of violence which meets certain standards. The contact must be directed specifically at the protected person and be seriously alarming, annoying, harassing, or detrimental.

- **Sexual Assault Protection Orders, adopted by the legislature in 2006;**

  A civil order to protect a victim of nonconsensual sexual conduct or penetration, even if the conduct or penetration only occurred once. A single incident of nonconsensual sexual conduct or nonconsensual sexual penetration is sufficient grounds for a petition for a SAPO.

- **Stalking Protection Orders, adopted by the legislature in 2013; and**

  A civil order to protect against stalking behavior that serves no lawful purpose and has reasonably caused the protected person to feel intimidated, frightened, under duress, significantly disrupted, or threatened. The respondent either knows or should know that their behavior causes those feelings, even if that was not the respondent's intent.

- **Extreme Risk Protection Orders, enacted by a vote of the people through Initiative 1491 in 2016.**

  A civil court order that temporarily suspends an adult or juvenile's right to possess firearms if there is evidence that the person is threatening to harm themself or others. Unlike a No Contact Order or other Civil Protection Orders, an ERPO does not restrict

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contact with persons or locations. An ERPO is limited to restricting the possession of and access to firearms or a concealed pistol license(s) (CPL). An ERPO may be requested by a family or household member, intimate partner, or law enforcement to restrain a respondent who poses a significant danger of causing personal injury to self or others by having in their custody or control, purchasing, possessing, accessing, or receiving, or attempting to purchase or receive a firearm.

Civil Restraining Orders:

- In Washington State, a restraining order specifically applies to situations related to marriage where one (or both) of the spouses want to keep the other spouse away from them and/or any children who may be present. As with civil protection orders, a restraining order and firearm prohibition is possible depending on the circumstances. Civil Restraining Orders (related to divorce, legal separation, abuse of children, and parentage actions) are covered in chapters 26.09, 26.44, 26.26A, and 26.26B RCW.
    - A civil order to minimize trauma to a child who disclosed sexual or physical abuse by a parent, other family or household member, legal custodian, or guardian. The intent is to provide the earliest intervention possible.
    - Commonly known as a "Restraining Order," these civil orders may be embedded within a family law case to prevent abuse, harassment, or harm to a person or child involved in a domestic relations action such as a divorce, parentage, or a parenting plan.

Foreign Orders:

- **Foreign Protection Order Information (FPOI):**

  An order to help Washington State courts and law enforcement recognize and enforce a Civil Protection Order from another US state, territory, the Commonwealth of Puerto Rico, the District of Columbia, any US military tribunal, or a tribal court.

- **Canadian DV Protection Order (CDVPO):**

  An order to help Washington State courts and law enforcement recognize and enforce a Civil Protection Order from any province in Canada.

Criminal No-Contact Orders (NCO):

- Issuance of a NCO is requested by a prosecutor (an attorney representing the interest of the city, county, or state), as part of a criminal case.
- The person being restrained is referred to in this type of order as a defendant (rather than "respondent").
- The person protected from further contact is referred to as the victim (rather than "petitioner").
- Criminal cases typically begin with a police report, criminal investigation, and/or an arrest by law enforcement that is forwarded to the prosecutor for independent review. The prosecutor will decide whether to prosecute, amend, defer, or dismiss the case.

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Victims cannot decide to "press charges," although victim input in charging decisions may be considered.

- Once a case has been charged it will follow the process of a criminal case in a criminal court.
- A victim may not request modification or termination of the order. The decision to modify or terminate a criminal order rests solely with the court.
- Criminal NCOs are covered in chapters 10.99 and 9A.46 RCW.
- Criminal No-Contact Orders are similar to civil Protection Orders in preventing further harm, however they are typically requested by the prosecuting attorney in a criminal case or issued by a court at the time of arraignment to protect a victim of a crime while a criminal case is being investigated or prosecuted.
- Victim request, consent, or cooperation is not required for an order to be entered by the court.
- The presence of a related criminal case is not required to protect victims of domestic violence, sexual assault, stalking, harassment, to protect vulnerable adults, and to prevent access to firearms by those who are at a high risk of harming themselves or others.
- Violation of these orders could result in criminal prosecution and/or subject the respondent to contempt of court sanctions.

Criminal Domestic Violence No-Contact Order (DVNCO):

This is a criminal order issued by a judge pursuant to an underlying criminal case to protect a victim against future violence or threats of abuse by the defendant. In general, for a DVNCO, the abuse must be reported, and the defendant charged when the court issues this order. Often these orders are issued before the defendant is released from custody if booked for the offense. One exception is the "Emergency No-Contact Order" whereby a peace officer may request an ex-parte DVNCO, Order to Surrender and Prohibit Weapons Order or Extreme Risk Protection Order on behalf of the victim.

Criminal Harassment No-Contact Order (HNCO):

This is a criminal order issued by a judge pursuant to an underlying criminal case to protect against unlawful, repeated invasions of a person's privacy, including through stalking, by acts and threats which show a pattern of harassment designed to coerce, intimidate, or humiliate the victim. A crime must be reported, and the defendant must be charged before a court can issue this order.

Other Criminal No-Contact Orders (NOCON or ORNC):

In addition to the orders listed above, if the court finds a criminal defendant has been charged with, arrested for, or convicted of the following offenses, the court may issue a No-Contact Order and include firearm prohibitions: Sexual Assault under chapter 9A.44 RCW; Stalking under chapter 9A.46 RCW, Promoting Prostitution under chapter 9A.88 RCW; and Human Trafficking under chapter 9A.40 RCW.

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Order to Surrender and Prohibit Weapons (OTSPW):

Under RCW 9.41.800, when the court issues any Protection Orders, other than ERPOs, listed above, the judge must (mandatory) or may (discretionary) also issue an accompanying civil order, and may also issue in criminal DV cases, which requires the respondent to immediately surrender all firearms, CPL, and other dangerous weapons in the possession, custody, or control of the respondent to the designated local law enforcement agency. (See Section 6: "Orders to Surrender and Prohibit Weapons".)

390.6 EX-PARTE, FULL PROTECTION ORDERS, EMERGENCY NCOS, AND OTSPWS

Purpose: This section explains the provisions for a temporary (ex-parte) Protection Order, and full (permanent) Protection Order or emergency No-Contact Order, initiated by law enforcement.

This section also outlines the type of "relief" or what the judge may require of the respondent in a Protection Order to protect the petitioner, any involved children, and take control or possession of certain property. Depending on the statutory requirements, the court also will or may issue an accompanying OTSPW to remove firearms and prohibit access to firearms by the respondent.

Temporary (Ex-parte) Protection Orders: A temporary or "ex parte" civil Protection Order may be issued by the court, is usually the first step in the process, when there is a concern about harm if protection isn't quickly ordered. The court issues it without notice to the respondent and then must ensure the respondent is served notice and a hearing held within 14 days to determine whether a full order should be ordered. At the hearing, both the petitioner and respondent may appear to present evidence for consideration by the court in determining whether to issue a full Protection Order. A temporary order may be re-issued if the respondent is not timely served for the hearing.

For a temporary Protection Order to be issued, the court must find from the petition filed (and any additional evidence) that the respondent:

- Has engaged in conduct against the petitioner that serves as a basis for a Protection Order; and
- "Serious immediate harm or irreparable injury" could result if an order is not issued immediately without prior notice to the respondent.

There is a rebuttable presumption to include the petitioner's minor children, if requested, as protected parties in a temporary or (ex-parte) DVPO until the full hearing, to reduce the risk of harm to children during periods of heightened risk, unless there is good cause not to include the minor children. If the court denies the petitioner's request to include the minor children, the court must make written findings regarding why the children should not be included, pending the full hearing.

In issuing a temporary order, the court must consider the provisions of RCW 9.41.800 and may issue an OTSPW requiring the respondent to surrender all firearms, dangerous weapons, and any concealed pistol license. If the temporary order is re-issued, the OTSPW must also be re-issued. (The OTSPWs are covered in Section 6).

The court has broad discretion to grant such temporary relief as the court deems proper (as listed in the next section).

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Relief Available in Civil Protection Orders: In issuing any type of Protection Order (other than a temporary (ex-parte) Antiharassment Protection Order and other than an ERPO) the court has broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

- Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;
- Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;
- Exclude the respondent from the residence that the parties share;
- Exclude the respondent from the residence, workplace, or school of the petitioner; or from the daycare or school of a minor child;
- Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, daycare, workplace, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;
- If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a different action. A Protection Order must not be denied on the grounds that the parties have an existing parenting plan in effect. A Protection Order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;
- Order the respondent to participate in a state-certified domestic violence perpetrator treatment or a state-certified sex offender treatment program;
- Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional;
- In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the court, when issuing a Protection Order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school;

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The court may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting;

The court must send notice of the restriction on attending the same school as the petitioner to the public or private school the respondent will attend and to the school the petitioner attends;

- Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense, and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorney fees;
- Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, cyber harassment, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household;
- Other than for respondents who are minors, require the respondent to submit to electronic monitoring. The order must specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;
- Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in their custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, firearms, dangerous weapons, and any concealed pistol license;
- Provide for possession and use of essential personal effects. The court must list the essential personal effects with sufficient specificity to make it clear which property is included.

  Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;
- Provide for use of a vehicle;
- Enter an order restricting the respondent from engaging in abusive litigation or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies;
- Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources; and

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restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;

- Order financial relief and restrain the transfer of jointly owned assets;
- Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control and cease any and all disclosure of those intimate images; or
- Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives for a law enforcement stand-by to recover possessions per RCW 7.105.320.

Duration of the Order: When issuing an order after notice to the respondent and a hearing, the court may either grant relief for a fixed period of time or enter a permanent order of protection. Other than for anti-harassment orders, the court may not grant relief for less than one year unless the petitioner has specifically requested relief for a shorter period of time.

If a protection order restrains the respondent from contacting the respondent's minor children, the restraint must be for a fixed period not to exceed one year. This limitation is not applicable to protection orders issued under chapters 26.09, 26.26A, or 26.26B RCW which deal with family law, parentage, and child support.

All orders must specify the date the order expires, if any. (For permanent orders, the court will set the date to expire 99 years from the issuance date.)

911 DV Response Emergency NCOs, OTSPWs, ERPOs:

When law enforcement has responded to a 911 DV incident, pursuant to RCW 10.99.040, if there is concern for safety until a court hearing can be held, on an ex-parte basis and before criminal charges or any protection order has been filed, a law enforcement officer may request an Emergency NCO, OTSPW, or ERPO from a judicial officer on behalf of and with the consent of the victim (if the victim is able to provide consent).

If the victim is incapacitated because of the alleged act of domestic violence, a law enforcement officer may request an Emergency NCO, with an OTSPW, or ERPO on their behalf. The request must be made based upon the sworn statement of an officer and may be made in person, by telephone, or by electronic means to the judge.

See the Skagit County SO WA Policy Manual: 386.3 EXTREME RISK PROTECTION ORDERS for more information.

If the judge finds probable cause to believe that the victim is in imminent danger of domestic violence based on an allegation of the recent commission of an act involving domestic violence, the judge must issue an Emergency NCO and an OTSPW or an ERPO.

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390.7 PETITIONING FOR CIVIL PROTECTION ORDERS

Purpose: This section provides an overview of available civil Protection Orders under RCW 7.105.100. Each of the orders is listed by name with reference to whom may petition for the order and the specific purpose of each order.

Domestic Violence Protection Order:

A petition for a Domestic Violence Protection Order must allege the existence of domestic violence committed against the petitioner or petitioners by an intimate partner or a family or household member as defined by statute.

The petitioner may petition for relief on behalf of themselves and on behalf of family or household members who are minors or vulnerable adults.

A petition for a Domestic Violence Protection Order must specify whether the petitioner and the respondent are intimate partners or family or household members. A petitioner who has been sexually assaulted or stalked by an intimate partner or a family or household member should, but is not required to, seek a Domestic Violence Protection Order, rather than a Sexual Assault Protection Order or a Stalking Protection Order.

Sexual Assault Protection Order:

A petition for a Sexual Assault Protection Order must allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration that was committed against the petitioner by the respondent.

A petitioner who has been sexually assaulted by an intimate partner or a family or household member should, but is not required to, seek a Domestic Violence Protection Order, rather than a Sexual Assault Protection Order.

A single incident of nonconsensual sexual conduct or nonconsensual sexual penetration is sufficient grounds for a petition for a Sexual Assault Protection Order. The petitioner may petition for an order on behalf of:

- Themself;
- A minor child, where the petitioner is the parent, legal guardian, or custodian;
- A vulnerable adult, where the petitioner is an interested person; or
- Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

Stalking Protection Order:

A petition for a Stalking Protection Order must allege the existence of stalking committed against the petitioner or petitioners by the respondent.

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A petitioner who has been stalked by an intimate partner or a family or household member should, but is not required to, seek a Domestic Violence Protection Order, rather than a Stalking Protection Order.

The petitioner may petition for an order on behalf of:

- Themself;
- A minor child, where the petitioner is the parent, legal guardian, or custodian;
- A vulnerable adult, where the petitioner is an interested person; or
- Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

Vulnerable Adult Protection Order:

A petition for a Vulnerable Adult Protection Order must allege that the petitioner, or person on whose behalf the petition is brought, is a vulnerable adult and that the petitioner, or person on whose behalf the petition is brought, has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect, by the respondent.

Extreme Risk Protection Order:

A petition for an ERPO must allege that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm.

The petition must also identify information the petitioner is able to provide about the firearms, such as the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, access, or control.

A petition for an ERPO may be filed by an intimate partner or a family or household member of the respondent, or a law enforcement agency.

Anti harassment Protection Order:

A petition for an Anti-harassment Protection Order must allege the existence of unlawful harassment committed against the petitioner or petitioners by the respondent.

If a petitioner is seeking relief based on domestic violence, nonconsensual sexual conduct, nonconsensual sexual penetration, or stalking, the petitioner may, but is not required to, seek a Domestic Violence, Sexual Assault, or Stalking Protection Order, rather than an Anti-harassment Order.

The petitioner may petition for an order on behalf of:

- Themself;

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- A minor child, where the petitioner is the parent, legal guardian, or custodian;
- A vulnerable adult, where the petitioner is an interested person; or
- Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

Petition for Protection Orders by Minors:

With the exception of Vulnerable Adult Protection Orders, a person under 18 years of age, who is 15 years of age or older, may seek relief as a petitioner and is not required to seek relief through a petition filed on their behalf. They may also petition on behalf of a family or household member who is a minor if chosen by the minor and capable of pursuing the minor's stated interest in the action.

A person under 15 years of age who is seeking relief is required to seek relief by a person authorized as a petitioner under the applicable Protection Order.

Petition by Interested Person:

If a petition for a Protection Order is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.

Request for Relief Under Protection Order:

The Protection Order petition must contain a section where the petitioner, regardless of petition type, may request specific relief provided under the law that the petitioner seeks for themselves or for family or household members who are minors.

The totality of selected relief, and any other relief the court deems appropriate for the petitioner, or family or household members who are minors, must be considered at the time of entry of Temporary Protection Orders and at the time of entry of Full Protection Orders.

390.8 ORDERS TO SURRENDER AND PROHIBIT WEAPONS (OTSPWS)

Purpose:

This section addresses the specific actions and functions required when an OTSPW is issued pursuant to a civil Protection Order.

Per RCW 7.105.900, "When domestic violence victims seek to separate from their abuser, they face increased risks. Forty-five percent of domestic violence homicides occur within 90 days of a recent separation, while 75 percent occur within the first six months of separation."

"Domestic violence victims also face increased risks when their abuser has access to firearms. Firearms are used to commit more than half of all intimate partner homicides in the United States. When an abusive partner has access to a gun, a domestic violence victim is 11 times more likely to be killed."

Order to Surrender and Prohibit Weapons:

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Under RCW 9.41.800, when the court is issuing a protection order or criminal no contact order, the judge shall (mandatory) or may (discretionary) also issue an accompanying order which requires the respondent to immediately surrender all firearms, other dangerous weapons, and CPL in their possession, custody, or control of the respondent to the designated local law enforcement officer serving the respondent (RCW 9.41.801) at the time of service.

The same order will also require the restrained person to immediately surrender any concealed pistol licenses to the designated law enforcement agency at the time of service.

Timely Service Required:

Given the importance of intervening as soon as possible due to the demonstrated risk presented by ongoing access to firearms, the service of an OTSPW must be attempted by law enforcement within 24-hours of receiving the order from the court.

While the OTSPW is in effect, the restrained person is prohibited from accessing, having in their custody or control, obtaining, possessing, purchasing, receiving, or attempting to purchase or receive any firearms or other dangerous weapons, or obtaining or possessing a concealed pistol license.

Given the heightened risks presented by the underlying facts and the nature of these orders, the respondent/restrained person may be uncooperative and present a significant ongoing danger to the petitioner and any minor children, as well as to the law enforcement officers who serve the order.

When the respondent instead receives notice of the OTSPW in a court hearing (versus service by LEA), the respondent must immediately surrender firearms, other dangerous weapons, and concealed pistol licenses by contacting the designated local law enforcement agency for directions on how to do so that same day.

For firearm relinquishment that occurs as a result of notice initially provided at a court hearing rather than when the court's order is served, it is recommended that law enforcement agencies coordinate with local courts in advance to provide specific instructions on how the respondent shall surrender firearms to law enforcement immediately after the hearing and issuance of the order by the court.

The law enforcement agency should facilitate the respondent's compliance with the order of the court by immediately surrendering firearms and dangerous weapons without delay and as soon as possible after the hearing. Agencies may consider requesting the court notify the law enforcement agency as soon as the order is signed so that officers can accompany the respondent from court to the location where firearms will be surrendered.

The intent is to recover the firearms as soon as possible in a safe and controlled manner to discourage confrontation and not give the respondent a chance to inflict harm by using the firearms or remove or hide the firearms. Encouraging voluntary compliance with the order at every step of the surrender process is not only a more efficient use of time for law enforcement personnel

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but also can help to prevent additional risk of harm, de-escalate the event and the impact for the respondent.

Given the statutory requirement to immediately surrender firearms, the law enforcement agency must have a process to immediately accept surrendered firearms and should not require an appointment at a later date or time. This surrender process should be a directive issued under the authority of the chief or sheriff.

There are also specific statutory requirements for the reporting, tracking, and storage of firearms surrendered which are covered in more detail in other sections of this policy.

390.9 SERVICE OF ORDERS (INCLUDING ELECTRONIC SERVICE)

Purpose:

The purpose of this section is to assist law enforcement agencies in meeting the specific steps and requirements as required by state law for the service of orders. This section outlines the requirements for the service of a Protection Order, ERPO, and OTSPW.

This section also provides recommendations to lessen risk to the law enforcement officers serving the orders, as well as the petitioner and respondent, all with the goal of obtaining full compliance with the order of the court as soon as possible.

The service of Protection Orders, OTSPWs, and ERPOs by law enforcement is one of the most important steps in preventing additional harm for survivors and the community. Ensuring the removal of firearms as soon as possible in conjunction with the respondent's comprehensive compliance with the order of the court are foundational aspects of harm reduction and lethality prevention, particularly during known periods of heightened risk.

Procedures for Service by Law Enforcement:

The requirements for the service of orders, including Protection Orders, No-contact Orders, and Restraining Orders are encompassed in chapter 7.105 RCW.

Preparing for Service/Risk Assessment:

As part of the processing and entry of orders (addressed in Section 9: "Processing, Entry of Orders and CPL Revocation"), it is critical to first conduct a thorough review of the order and develop a plan for service well before the actual service is attempted in the field.

Order service and enforcement should be prioritized based on risk; some may involve more risk for the protected person (petitioner), family members, community, and law enforcement, especially if there are concerns about access to firearms or dangerous weapons.

There is also a heightened danger of harm during the period when the petitioner is attempting to leave a relationship and/or when turning to the court for protection, including increased lethality risk by the respondent upon their first notification that the petitioner has sought help from a court.

Factors for consideration within the agency Service Risk Assessment include, but are not limited to:

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- Prior incidents of assault or threats to harm or kill;
- Any type of physical violence, stalking or sexual harm toward the victim;
- Conviction or arrest involving violent acts, including prohibition on firearm possession;
- Presence or access to firearms or other dangerous weapons;
- History of alcohol or substance abuse;
- Violence against animals;
- Behavioral crisis indicative of dangerousness to self and/or others including suicidality.

Information to conduct this Risk Assessment can be found on the LECIF filled out by the petitioner, reading the petition outlining the basis of the order, calling the petitioner, reviewing related police reports or other involvements with the respondent, and conducting a criminal history check.

Service Plan

It is recommended that the serving officer and/or a supervisor carefully review and develop a Service Plan for all Protection Orders, but especially for cases involving an OTSPW or an ERPO. Agencies are encouraged to use a Service Risk Assessment Form to assist in evaluating any potential risk which may be faced by law enforcement, the petitioner, the respondent, and/or the community at the time of service.

Orders with the highest potential for risk should be given priority of service, which will generally be Protection Orders which include an OTSPW or an ERPO. The timing of the service and recovery of firearms should be coordinated to occur as expediently as possible based on the risk factors identified.

In the case of law enforcement officers or military members, the Service Plan should include coordinating with the respondent's agency or commanding officer to assist in serving the order and securing any firearms or dangerous weapons as required by the court. Federal and state law prohibit the possession of firearms when a valid Protection Order is in effect; there is no exception for law enforcement officers, military members, or any other profession where carrying a firearm is required by employment.

During service, officers are encouraged to explain the purpose of the order to the respondent, acknowledging the likelihood of increased emotions and risk during this period, whether related to DV allegations or concerns about suicide. Officers should be prepared to provide the respondent with references to DV, behavioral health, suicide prevention, and other community resources and services.

The respondent should be advised they have a right to due process in a hearing or hearings held before the court. The goal is to obtain cooperation from the respondent in temporarily relinquishing firearms or dangerous weapons, as well as comprehensive understanding and compliance with the order.

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During service, officers are expected to use time, distance, and shielding in an effort to promote the safety of all involved.

It is recommended that high-risk orders and orders involving the surrender of firearms or dangerous weapons be served with at least two officers.

Law Enforcement to Prioritize Order of Service:

RCW 7.105.155 outlines several required steps as to how and when the service of a Protection Order is to be completed by a law enforcement officer:

- Service of a Protection Order must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature;
- Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court unless an emergency situation renders the service infeasible;
- If an emergency situation prevents a first attempt at service within 24 hours, law enforcement must attempt service as soon as possible;
- If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members; and
- All attempts at service must be documented on a Proof of Service Form and submitted to the court in a timely manner. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed. Note: The Proof of Service document includes specific prompts about respondent's demeanor when served, statements about firearms (e.g. denials despite purchase history or statements from petitioner about firearm possession), or any behaviors that suggest the restrained party may be evading service. These notes are useful to capture for judicial officer's consideration at the next hearing.

Disability, Brain Injury, or Impairment:

Under RCW 7.105.155(6), if the law enforcement officer has knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment, the officer shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner.

Methods for Service of Orders:

The intent of the law is to minimize delays and the need for additional hearings, which can hinder access to justice and undermine judicial economy, as well as increased risk to petitioners and the community

Under RCW 7.105.150, several methods of service are authorized for Protection Order proceedings (including petitions, temporary Protection Orders, reissuances of temporary Protection Orders, full Protection Orders, motions to renew Protection Orders, and motions to modify or terminate Protection Orders).

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These service methods include:

- Personal service;
- Electronic service;
- Service by mail*; and
- Service by publication*.

*Generally, law enforcement officers will be conducting either personal service and/or electronic service, unless another service method is indicated by the court.

The court may authorize multiple methods of service and may consider use of any address determined by the court to be appropriate to authorize service that is reasonably probable to provide actual notice. By law, the court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

Personal Service by Law Enforcement:

"Personal service" means that the respondent is directly provided or handed their copy of the order. The serving officer must be able to declare that the person served was the respondent, when they were served, where they were served, and what court documents were served.

Service is not completed until the Proof of Service Form, signed by the serving law enforcement officer, is filed with the court.

Personal service (non-electronic) by law enforcement, is required for the following types of orders:

- Cases requiring the surrender of firearms, such as ERPOs and Protection Orders with OTSPW;
- Cases that involve transferring the custody of a child or children from the respondent to the petitioner;
- Cases involving vacating the respondent from the parties' shared residence;
- Cases involving a respondent who is incarcerated; and
- Cases where a petition for a vulnerable adult Protection Order is filed by someone other than the vulnerable adult.

It is recommended that the serving law enforcement officer explain the provisions of the order and what steps need to be taken while the officer is present (such as the surrender of firearms and CPL if the order includes an OTSPW). An interpreter may be necessary. While acknowledging the feelings, concerns, and emotions of the respondent is recommended, the goal during service is to secure understanding, cooperation, and voluntary compliance with the court order.

The officer should also warn the respondent of the civil and criminal penalties for violation of the order, as well as appeal to the respondent's desire to avoid arrest and criminal prosecution.

Separation of Parties Present at Time of Service:

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Per RCW 7.105.155, if the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer must take reasonable steps to separate the parties prior to completing the service or inquiring about or collecting firearms.

When the order requires the respondent to vacate the parties' shared residence, law enforcement shall take reasonable steps to ensure that the respondent has left the premises and is on notice that the respondent's return is a violation of the terms of the order, and is subject to criminal and civil penalties, including arrest.

Service of Order Copy by Law Enforcement:

Per RCW 7.105.465, for a Protection Order to be criminally enforceable, the officer "shall attempt to determine whether the respondent knew of the existence of the protection order."

If the officer determines that the respondent did not, or probably did not know about the Protection Order and the officer is provided a current copy of the order (such as the copy in the possession of the petitioner) the officer shall serve the order on the respondent if the respondent is present.

If the respondent is not present, the officer shall make reasonable efforts to serve the respondent with a copy of the order. If the officer does serve the petitioner's copy of the order, the officer shall provide a receipt indicating that the petitioner's copy was used for service.

Service of OTSPW or ERPO by Law Enforcement:

Protection Orders may also include an OTSPW.

In the case of an ERPO, the order itself requires the surrender of firearms and any CPL. Officers should be aware that violation of an ERPO, including the refusal to surrender firearms as ordered, is a criminal offense.

The following procedures should be followed by law enforcement when serving an OTSPW or ERPO:

- Follow the directives as provided in the court order.
- Although the order may identify specific firearm brands and models to be surrendered, the serving officer should also ask or call the petitioner separately for all firearms to which the respondent has access to or is in possession of, in addition to any firearms specifically listed in the order.
- As part of the Service Plan, the officer should review any available information that would identify additional firearms owned or possessed by the respondent, including the police reports leading to or related to the issuance of the order.
- All firearms must be surrendered by the respondent upon service, even those not specifically listed in the order. Because the court may not be aware of all firearms which the respondent possesses or has access to, the court's order may say "including but not limited to" the identified firearms.
- Upon service, the officer should advise the respondent that the court has issued an order, the order is effective upon service, and that the order requires the immediate

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surrender of all firearms in their custody, control, or possession, as well as any CPL issued in any state.

- Officers must conduct any search as permitted by law for such firearms, dangerous weapons, or CPL, and take possession of all firearms, dangerous weapons, and CPL that are surrendered, observed in plain sight, or discovered pursuant to a lawful search.
    - It is recommended that officers ask the respondent if they consent to a search so that the court order to surrender all firearms, dangerous weapons, and any CPL can be completed.
- If the order is temporary or ex-parte order, officers should explain to the respondent that this is a temporary court order, law enforcement will retain the firearms for safe storage, and the respondent may contest the order at the hearing which is scheduled and noted on the copy of the order. Due process will be afforded to all parties by the court.
- If the respondent denies possession of firearms or reports that their firearms were transferred to another party or sold before the court's order, officers should conduct basic investigative steps to help verify or disprove respondent's claims, including contacting the party to whom the respondent claims to have transferred the firearms. Respondents are not permitted to transfer or sell firearms after a court order has been issued. (Note: RCW 9.41.113 outlines the requirements for lawful firearms sales, transfers, and required background checks.)
- The respondent should complete a Proof of Surrender Form to account for all firearms that have been sold or transferred prior to the court order.
- Law Enforcement should obtain a statement if possible, and a signed "Declaration: No Weapons to Surrender" if the respondent asserts that they have never owned or possessed a firearm or CPL in this or any other state. Note on the Proof of Service if the respondent asserts they possess no weapons or any CPL.
- During the service of an ERPO, if there is probable cause to believe that the respondent still has custody, control, or possession of other firearms, law enforcement should consider application for a search warrant.
- During the service of an OTSPW, if there is probable cause to believe that the respondent still has custody, control, or possession of other firearms, law enforcement should immediately file a petition with the court to request a compliance hearing or consider completing a Declaration of Law Enforcement about Weapons Surrender.
- For victim, community, and officer safety, every lawful effort should be made to obtain any and all firearms at the time of the order service, rather than asking the respondent to surrender firearms to the agency at a later date or location.
- To reduce the risk of lethality and harm, if the respondent is not physically located where their firearm(s) and any CPL are located, whenever practicable, law enforcement should transport or follow the respondent to retrieve all firearms and any CPL.

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- The serving officer will provide a copy of a receipt for all surrendered firearms and CPL to the respondent for their records. The receipt must be detailed, including make, model, caliber, and serial number (at a minimum).
- Law Enforcement should inventory, photograph, and book the firearms into the property room according to agency procedures.
- Complete and sign the Proof of Service Form and be sure to mark all the appropriate boxes for the surrender of firearms. Every box must be marked for each document that was required to be served, or the court may find that the service was incomplete and will require further service of the order.
- Attempt to notify the petitioner that the order was served (phone or email contact information should be on the LECIF).
- Immediately complete a police or incident report documenting surrender of firearms (or suspected non-compliance with the order to surrender firearms).
- Using the process established by the agency, the serving officer will submit the completed police or incident report, Proof of Service Form, any statements obtained, the Receipt for Surrendered Firearms, Other Dangerous weapons and Concealed Pistol License Form, any Proof of Surrender or Declaration: No Weapons to Surrender Form (if respondent has provided copies) so that they can be filed with the court as required by law.

Service By Third Party:

As noted, most Protection Orders must be served by law enforcement, including ERPOs or Protection Orders with an attached OTSPW. However, in some other circumstances, law enforcement should be aware the petitioner may decide to have the respondent served by a third party who is not a party to the action, is a competent witness 18 years of age or older, and can provide sworn proof of service to the court as required.

When Service is Not Necessary:

Under RCW 7.105.150(4), if an order entered by the court states that the respondent appeared before the court, (either in person or remotely) the necessity for further service is waived and proof of service of that order is not necessary. This includes cases where the respondent leaves the hearing before a final ruling is issued or signed, as well as times when the material terms of the order have not changed.

When Electronic Service is Authorized:

In cases where personal service is required, after two unsuccessful attempts at personal service, service is permitted by electronic means as outlined in RCW 7.105.150 (1b).

Service by electronic means includes service by email, text message, social media applications, or other technologies.

However, once all firearms and CPLs have been surrendered and verified by the court, or there is evidence the respondent does not possess firearms; the restrained party has been vacated from the shared residence; the custody of the child or children has been transferred per court order;

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or the respondent is no longer incarcerated, then subsequent motions and orders may be served electronically.

Electronic Service By Third Party:

By statute, service by electronic means must be made by a law enforcement agency; however in some other circumstances, the petitioner can decide to have the respondent served by a third party who is not a party to the action, is a competent witness 18 years of age or older, and can provide sworn proof of service to the court as required.

Court authorization for electronic service is not required except in cases outlined in "personal service required" listed above.

Procedures for Electronic Service by Law Enforcement:

For law enforcement to facilitate electronic service the following statutory provisions apply per RCW 7.105150(b1):

- The petitioner must provide the respondent's email address, number for text messaging, and username or other identification used for social media applications or other technologies on the LECIF.
- The petitioner must attest the electronic contact information is legitimate, current, or last known contact information for the respondent.
- Electronic service is completed by agency staff transmitting copies of the petition and any supporting materials filed with the petition, notice of hearing, and any orders, or relevant materials for motions, to the respondent at the respondent's electronic address or the respondent's electronic account associated with email, text messaging, social media applications, or other technologies.
- Verification of notice is required and may be accomplished through read-receipt mechanisms, a response by the respondent, a sworn statement from the person who effected service verifying transmission and any follow-up communications such as email or telephone contact used to further verify, or an appearance by the respondent at a hearing.
- Service is completed on the date of transmission for electronic service.
- Sworn Proof of Service must be filed with the court by the person who effected service.
    - It is recommended that the serving law enforcement personnel attempt to verify and document that the respondent received the order electronically because knowledge is a critical factor for any future enforcement of the order.
    - Determining knowledge can be accomplished through follow-up emails or phone call(s) asking if the respondent received the order and if they had any questions. There may also be circumstances where the respondent would rather be served electronically than to have uniformed law enforcement officers arrive at their residence, work, school, or place of business.
    - In any case, the serving officer should document the interaction with the respondent in the police or incident report as verification of successful electronic

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service and provide a written record (such as the incident report for criminal cases) to the court with the Proof of Service should the question of knowledge later arise regarding order violation.

Filing the Proof of Service Form:

Proof of service must be submitted to the court on the Proof of Service Form. The form must include the date and time of service and each document that was served, along with information to the court regarding the situation encountered by law enforcement at the time of service. It is critical that all the applicable boxes are checked on the form or the court may require other attempts at service to correct it.

- Per RCW 7.105.155, the serving law enforcement officer is also required to provide service details to the court, such as the conduct of the respondent at the time of service, threats made, or the avoidance of service, as well as any statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed pistol license, or sworn statements in the petition that allege the respondent's access to or possession of firearms.

Notice to Petitioner Within Ten Days (Not Served):

By statute, if service cannot be completed within the first ten (10) calendar days, the law enforcement officer must notify the petitioner. (The petitioner's contact information should be available on the LECIF).

Law enforcement must continue to attempt to complete service unless otherwise directed by the court.

If the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the law enforcement officer must use law enforcement databases to assist in locating the respondent.

Service Attempts Not Successful:

If attempts at service were not successful, the Proof of Service Form or the form letter showing that the order was not served by law enforcement, and stating the reason it was not served, must be returned to the court by the next judicial day following the last unsuccessful attempt Listing out the date and time of every attempt is important so the court can consider alternate service options, as allowed by law.

- Per RCW 7.105.155, each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed. (Listing out the date and time of every attempt.

390.10 LAW ENFORCEMENT STAND-BY TO RECOVER POSSESSIONS

Under RCW 7.105.320, upon the request of the petitioner in a Protection Order, the court may direct a law enforcement officer to accompany the petitioner and assist in placing the petitioner in possession of those items indicated in the order or to otherwise assist in the execution of the Protection Order.

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The order must list all items that are to be included with sufficient specificity to make it clear which property is included. These orders also must list the appropriate law enforcement agency to execute, serve, or enforce the order; however, any appropriate law enforcement agency should act where assistance is needed, even if the agency is not specifically named in the order, including assisting with the recovery of firearms.

- It is highly recommended if a respondent shows up at a law enforcement agency to surrender firearms or weapons as ordered, that the agency accept the firearms, even if they are not the designated serving agency, the respondent is not a resident of their jurisdiction, and/or until verification of compliance with the order can be determined.
- Law enforcement should take every opportunity to remove barriers, encourage immediate compliance, and help to prevent frustrating a respondent when they are attempting to voluntarily comply. Sending a respondent to a different location, date or time to surrender causes an unnecessary delay in securing the firearms to reduce immediate risk, and may cause the respondent to give up in trying to comply.
- Once the surrendered firearms are secured, the accepting agency should coordinate with the designated serving agency to hold them or transfer custody

When the respondent is ordered to vacate the residence or other shared property, the respondent may be permitted by the court to remove personal clothing, personal items needed during the duration of the order, and any other items specified by the court, while a law enforcement officer is present.

Where orders involve surrender of firearms, dangerous weapons, and CPLs, officers should prioritize those items must be secured and accounted for in a manner that prioritizes safety and compliance with court orders.

- It is recommended any actions taken by law enforcement during a requested court directed stand-by should be documented in a police or incident report, including any associated body camera footage.
- Any assignment of property must be specifically noted by the court in the order; officers are not expected nor authorized to make determinations for the division of property or assets. The parties should be advised any such disputes must be resolved by the court.

390.11 ENFORCEMENT OF ORDERS

The purpose of this section is to assist law enforcement agencies in meeting the statutory requirements for the enforcement of a Protection Order, ERPOs and OTSPWs.

The Legislative intent indicates: "Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms."

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As outlined in: "Types of Protection Orders", in addition to the six types of Protection Orders, there are also NCO and Restraining Orders encompassed in various statutes; the violation and enforcement of these are all covered in chapter 7.105 RCW.

As with the mandatory arrest under the state statutes for response to DV, law enforcement officers are required to arrest for violations of specific criminal provisions within Protection Orders. Once a respondent has participated in a hearing, if they are prohibited, it is also a felony to own, access, have in their custody, control, or possession, or receive any firearm while a Protection Order is in effect.

Respondents who violate an order are subject to criminal penalties as well as being held in contempt by the court. Some sections of Protection Orders are not subject to criminal enforcement, so it is important for law enforcement officers to carefully review and understand the different provisions at issue.

Criminal Order Provisions (except Anti-harassment Orders or ERPOs):

Per RCW 7.105.450(1a), once the respondent knows of the order it is a gross misdemeanor or felony crime* to violate any of the following provisions of a Protection Order:

- The restraint provisions of the order which prohibit acts or threats of violence against or stalking of a protected party;
- The restraint provisions prohibiting contact with a protected party;
- A provision excluding the person from a residence, workplace, school, or daycare;
- A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle;
- A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing with either the petitioner or the respondent; or
- A provision of a Foreign Protection Order or a Canadian Domestic Violence Protection Order specifically indicating that a violation will be a crime.

Felony Violations of Protection Orders*:

Per RCW 7.105.450(4)(5), under the following circumstances any violation of a Protection Order becomes a class C felony for:

- Any assault that is a violation of a Protection Order as listed above (and the assault is not a first- or second-degree felony assault);
- Any conduct in violation of an order that is reckless and creates a substantial risk of death or serious physical injury to another person; or
- Any violation of a Protection Order if the offender has at least two previous convictions for violating the provisions of any of the orders listed above. It should be noted that previous convictions may involve the same victim or other victims where the respondent was convicted of violating a Protection Order.

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Mandatory Arrest by Law Enforcement (except Anti harassment Order or ERPO):

Under RCW 7.105.450(2), "a law enforcement officer shall arrest without a warrant and take into custody a person whom the law enforcement officer has probable cause to believe has violated" the above listed criminal restraint, prohibition or interference provisions within the following orders:

- Domestic Violence Protection Order;
- Sexual Assault Protection Order;
- Stalking Protection Order;
- Vulnerable Adult Protection Order;
- An order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.77, 10.99, 26.09, 26.26A, or 26.26B RCW;
- Foreign Protection Order as defined in RCW 26.52.020; or
- Canadian Domestic Violence Protection Order as defined in RCW 26.55.010.

It is critical that officers review the criminal enforcement provisions of any Protection Order. There may be sections of an order, especially those encompassed within a Restraining Order related to a divorce or child custody action that are not criminally enforceable, such as the assignment of financial assets, payment of attorney fees, childcare decisions, and other such issues in dispute.

In those circumstances, the only enforcement is for the petitioner to seek relief through a civil contempt motion in court.

For a provision of a Protection Order to be criminally enforceable, it must "restrain" the respondent from acts or threats of violence, contacting, or stalking of the protected party; "exclude" the respondent from a residence, workplace, school, daycare or coming within a specified distance of the protected person or location; or prohibit "interfering" with obtaining children or pets.

During the course of the investigation for a violation of a Protection Order, officers should:

- Review the criminally enforceable provisions of the order;
- Determine the respondent's knowledge of the order, which is reflected in the Proof of Service being completed or respondent's attendance at the hearing when the protection order was issued.
- Collect associated evidence (such as witness statements, video footage, cellular phones, social media posts or contacts);
- Measure to verify distances (if the respondent was excluded from a residence or other location by a certain distance, which is typically 1,000 feet);
- Interview the suspect regarding the alleged order violation;
- Download and save any related body camera footage of the victim, suspect, and scene; and
- See that the suspect is booked or held in custody according to agency protocols.

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It is critical that the officers complete their primary investigation and associated arrest report as soon as possible because the law requires that any defendant arrested for violation of an order must appear before a judge within one judicial day after the arrest. Appearance is mandatory and cannot be waived.

In addition to criminal penalties, the respondent may also be subject to contempt of court sanctions by any court in the county or municipality where the petitioner or respondent reside at the time of the alleged violation.

Determining Respondent Knowledge of the Order:

Per RCW 7.105.465(2), for a Protection Order to be criminally enforceable, the officer "shall attempt to determine whether the respondent knew of the existence of the protection order." This is usually accomplished through the Proof of Service filed with the court (see Section 9: "Service of Orders") or respondent's attendance at the hearing when the Protection Order was issued.

Per the statute, if the officer determines that the respondent did not, or probably did not, know about the Protection Order and the officer has a current copy of the order (such as the petitioner's copy), the officer shall serve the respondent, if present.

If the respondent is not present, the officer shall make reasonable efforts to serve a copy of the order. (If the officer serves the respondent with the petitioner's copy, the officer shall provide a receipt indicating that the petitioner's copy was served on the respondent).

After the officer has served the order on the respondent, the officer shall enforce prospective compliance with the order.

Presentation of an unexpired, certified copy of a Protection Order with proof of service is sufficient for a law enforcement officer to enforce the order regardless of the presence of the order in WACIC NCIC.

Effective in January, 2025, the state Administrative Office of the Courts began implementation of the "Hope Card" program, which provides case number, petitioner, and respondent identification information for a Protection Order on a wallet sized card that law enforcement can use to access the order (so the Petitioner no longer has to carry a hard-copy of the order to provide law enforcement when there is a possible violation).

Criminal Violation of Anti-harassment Protection Orders:

Under RCW 7.105.455, once the respondent or restrained person knows of the order (See Section 9: "Service of Orders") a "willful disobedience" by a respondent age 18 years or over of any of the following restraint, prohibition, and interference provisions of an Anti harassment Protection Order issued under this chapter is a gross misdemeanor:

- The restraint provisions prohibiting acts or threats of violence against, or unlawful harassment or stalking of a protected party, or restraint provisions prohibiting contact with a protected party;
- A provision excluding the person from a residence, workplace, school, or daycare;

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- A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle; or
- A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent.

"Willful disobedience" refers to the intentional and deliberate violation of a court order, showing a clear intent to defy the court's authority.

Officers should be aware that for violations of Anti-harassment Protection Orders, there is no mandatory arrest provision.

Any respondent under the age of 18 years who willfully disobeys the restraint, prohibition, and interference provisions of an Antiharassment Protection Order issued under this chapter may, in the court's discretion, be found in contempt of court.

For juvenile respondents, there is no criminal enforcement provision by law enforcement.

Enforcement of Order to Surrender and Prohibit Weapons:

Pursuant to RCW 9.41.801(2), a law enforcement officer serving a Protection Order, No-contact Order, or Restraining Order that includes an OTSPW shall inform the respondent that the order is effective upon service and "the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any CPL, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license".

The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. Officers should conduct any search permitted by law and should also request consent for a search. (Refer to specific agency consent-to-search protocols.)

An OTSPW does not by itself, grant officers the authority to enter homes or protected spaces to collect surrendered firearms or effect an arrest.

Depending on the specific facts and observations available to officers at the time of service there may be articulable exigencies created by the heightened risk to victim(s), family, community, and officer safety in these periods of volatility. Officers should, if feasible, consult with an on-duty supervisor in such situations, and are encouraged to consult with the police legal advisor for further guidance if exigency necessitates securing firearms without consent or a search warrant.

Under RCW 9.41.801, if a respondent refuses to surrender firearms, dangerous weapons and/or CPL, they should be advised that possessing, accessing, or acquiring a firearm or CPL is prohibited and they are subject to contempt of court sanctions, which can include the court issuing a warrant for their arrest.

OTSPW Compliance Hearing:

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For any case where the court has indication that the respondent has in the respondent's possession, custody, or control firearms, dangerous weapons, or a CPL, a compliance review hearing must be held.

It is recommended that once the serving officer has reasonable suspicion the respondent is not in full compliance with the OTSPW, the officer should immediately file a "Declaration of Law Enforcement about Weapons Surrender" Form with the court to initiate a compliance hearing.

The officer must detail the basis for this belief (such as attaching a narrative investigative report to the DCLR Form by reference, including any associated body camera footage) and then file the declaration with the clerk's office at the court that issued the order.

If the court is considering waiving or delaying the compliance review hearing, the petitioner, law enforcement, or the state or city attorney may request that the compliance hearing be held, if there is reasonable suspicion to believe that the respondent has not surrendered all firearms, dangerous weapons, and any concealed pistol license, or is otherwise out of compliance with the court's order.

Contempt Arrest Warrant for Non Compliance of OTSPW:

Under RCW 9.41.801(6c), if a court finds at the compliance review hearing (or any other hearing where compliance with the OTSPW is addressed) that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may issue an arrest warrant.

The court may then initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, with additional sanctions for failure to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

Officers should be aware that unlike an ERPO, refusing or failing to comply with an OTSPW is not a Protection Order provision that can be criminally enforced by law enforcement because it does not involve restraint, prohibition, or interference as outlined in RCW 7.105.450(1a).

Enforcement action directly related to OTSPW compliance would be for contempt through the court as provided in chapter 7.21 RCW.

It is also important to note that the act of voluntarily surrendering firearms or weapons, providing testimony relating to the surrender of firearms or weapons, or complying with an order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 or RCW 10.99.100, and any information directly or indirectly derived from such act or testimony, may not be used against the person subject to the order in any criminal prosecution under chapter 9.41 RCW, chapter 7.105 RCW or RCW 9A.56.310, or in any criminal prosecution pursuant to which such order to surrender and prohibit weapons was issued, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

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Search Warrant for OTSPW Compliance:

Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800 or RCW 10.99.100, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control.

If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

Enforcement of Order by Prosecutor Assistance:

Under RCW 7.105.470, when a party alleging a violation of a Protection Order (issued under chapter 7.105 RCW) states that the party is unable to afford private counsel and asks the county or municipal prosecuting attorney in which the order was issued for assistance, the attorney shall initiate and prosecute a contempt proceeding if there is probable cause to believe that the violation occurred.

In this action, the court may require the violator of the order to pay the costs incurred in bringing the action, including a reasonable attorney's fee.

Limits of Liability for Law Enforcement Officers:

Under RCW 7.105.575, except for filing a materially false petition for an ERPO, chapter 7.105 RCW does not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining an ERPO or a temporary ERPO including, but not limited to, reporting, declining to report, investigating, declining to investigate, filing, or declining to file a petition under this chapter.

No law enforcement officer may be held criminally or civilly liable for making an arrest under RCW 7.105.450 if the officer acts in good faith.

Under RCW 10.99.070, a peace officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith under chapter 10.99 RCW (Domestic Violence-Official Response) arising from an alleged incident of DV brought by any party to the incident.

Enforcement for Unlawful Possession of Firearm:

Under RCW 9.41.040, it is a felony offense to possess a firearm if the person has a conviction for a felony crime or certain DV related offenses, including a prior conviction for violation of a Protection Order.

It is also a class C felony crime for a person to own, access, have in their custody, control, or possession, or receive any firearm during any period of time that the person is subject to a Protection Order, No-contact Order, or Restraining Order by a court if the following conditions are met:

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- The order was issued after a hearing for which the person received actual notice, and at which the person had an opportunity to participate (whether the court then issues a full order or reissues a temporary order). If the court enters an agreed order by the parties without a hearing, this order meets the requirements of notice;
    - Since it is an element of the felony crime, officers should be aware that temporary (ex-parte) Protection Orders with OTSPW, or prohibition on firearms cannot be enforced through this statute because the respondent has not yet had an opportunity to participate in a hearing. However, once the respondent has been to court either for a temporary or full order hearing, any subsequent ownership, access, custody, control, or possession, or receipt of any firearm would be a felony violation of RCW 9.41.040.
- Provisions of the order restrain the person from harassing, stalking, or threatening the person protected under the order or child of the person or protected person, or others identified in the order, or engaging in other conduct that would place the protected person in reasonable fear of bodily injury to the protected person or child or others identified in the order; and
- The order includes a finding that the person represents a credible threat to the physical safety of the protected person or child or others identified in the order, or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the protected person or child or other persons that would reasonably be expected to cause bodily injury; or includes an order under RCW 9.41.800 requiring the person to surrender all firearms and prohibiting the person from accessing, having in their custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, firearms.

390.12 COLLECTION OF FIREARMS, WEAPONS AND CPL BY OFFICERS

A law enforcement officer serving a Protection Order, NCO, or Restraining Order in person that includes an OTSPW or an ERPO requires the surrender of all firearms, dangerous weapons (OTSPW only), and a concealed pistol license shall:

- Inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons (OTSPW only) in the respondent's custody, control, or possession and any CPL;
- Conduct any search permitted by law for such firearms, dangerous weapons, and CPL.
- Take possession of all firearms, dangerous weapons, and any CPL belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. (Refer to agency protocols for requesting consent-to-search).
- The law enforcement officer taking possession of firearms, dangerous weapons, and any CPL shall issue a receipt at the time of surrender identifying all firearms, dangerous weapons, and any CPL that have been surrendered and provide a copy of the receipt to the respondent.
- For OTSPW service, the law enforcement agency shall file the original receipt with the court (electronically, if available) within 24-hours after service of the OTSPW and retain a copy of the receipt.

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- For ERPO service, the officer shall file the original receipt with the court (electronically, if available) within 72-hours after service of the ERPO and ensure the law enforcement agency retains a copy.
- If the respondent is in custody, arrangements to recover the firearms pursuant to an ERPO must be made prior to release.
- If personal service by a law enforcement officer is not possible, and the respondent did not appear in-person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24- hours of being served with the order by alternate service*.

All law enforcement agencies must develop and implement policies and procedures regarding the acceptance, storage, and return of firearms required to be surrendered by a court.

State law also requires that any surrendered firearms must be handled and stored properly to prevent damage or degradation in appearance or function. The condition of the surrendered firearms must be documented, including by digital photograph.

It is recommended that once the scene is safe, the serving officer take some time to explain the purpose of the order to the respondent, acknowledging the likelihood of increased emotions and heightened risk during this period. The goal is to obtain cooperation from the respondent in surrendering all firearms or dangerous weapons, as well as the respondent's comprehensive understanding and compliance with the order.

Securing voluntary cooperation and understanding can help to encourage safety for the petitioner, respondent, and law enforcement at the time of service, but also may help to dissuade the respondent from future violations, arrests, and prosecutions.

Respondent Surrender of Firearms at LE Agency:

Generally, ERPOs or Protection Orders with an OTSPW must be served in-person by law enforcement to facilitate the immediate and orderly surrender of firearms, dangerous weapons, and any CPL. However, there may be a few instances where a respondent will contact law enforcement to bring in their firearms, dangerous weapons, ammunition, and any CPL to the law enforcement agency.

Such a circumstance may occur if the respondent is served by alternate means, or when the respondent is directly notified during a court hearing that they are required to surrender firearms, dangerous weapons, and any CPL within 24 hours.

The respondent may call or contact the law enforcement agency because they want to surrender firearms at that time, or to schedule an appointment to surrender firearms, other dangerous weapons, and any CPL. Per state law, in these circumstances the respondent has been advised by the court that they must surrender within 24 hours.

The respondent will be directed not to bring firearms or ammuniton into the Sheriff's Office and advised to follow the explicit directions of deputies as to how these items will be turned over.

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It is recommended that when contacted by a respondent, the law enforcement agency should accept the surrendered firearms and any CPL at the soonest opportunity, even if it is after-hours by meeting an on-duty patrol officer at the agency's office or station. The respondent should be advised of any potential delay based on the availability of personnel, even with a scheduled appointment, and be directed to remain at the location for contact until the firearms are surrendered.

Officers will individually check each surrendered firearm or dangerous weapon to render it safe before it is brought into the facility.

RCW 9.41.801- Surrender of Weapons under OTSPW:

Under the provisions of this statute related to the OTSPW, law enforcement documentation of firearms is required under the following circumstances:

- At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any CPL shall issue a receipt and provide a copy to the respondent. The law enforcement agency shall file the original receipt with the court within 24-hours after service (electronically, if available) and retain a copy.
- At the hearing, the court shall take judicial notice of the receipt filed by the law enforcement agency.
- The court shall also provide sufficient notice to the law enforcement agency prior to a hearing. Upon receiving notice, a law enforcement agency must:
    - Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and
    - Provide the court with verification that any CPL issued to the respondent has been surrendered and an agency with authority to revoke the license has been notified.
    - If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court and may do so through the filing of a declaration.

Receipt for Firearms:

The law enforcement officer taking possession of firearms, dangerous weapons, and any CPL shall issue a receipt at the time of surrender identifying all firearms, dangerous weapons, and any CPL that have been surrendered and provide a copy of the receipt to the respondent.

This same receipt process will be followed if the officer secures any firearms present at the scene of a DV crime.

It is recommended that whenever possible, the quality, appearance, and condition of the firearms be noted on the receipt, and the respondent be asked to sign the receipt as acknowledgement of the inventory and the condition when surrendered to law enforcement.

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All firearms, dangerous weapons, ammunition, and any CPL will be booked into the agency's Evidence/Property system without delay in accordance with agency protocols.

390.13 NOTIFICATION FOR RETURN OF FIREARMS

he purpose of this section is to assist law enforcement with making the required or requested notification to victims, family, household members, or intimate partners prior to the release of firearms in the custody of the Sheriff's Office.

This section also encompasses the legal requirements to release firearms by law enforcement, including minimum hold requirements and background checks, as well as options for final disposition.

Firearms owned by the respondent cannot be released to a third-party; law enforcement agencies should prepare to have adequate storage to hold firearms surrendered for the duration the Protection Order is in effect.

Notification to Victim, Family, Household Member, or Intimate Partner:

Per RCW 9.41.340, each law enforcement agency is required to develop a notification protocol that:

- Requires notification to any person identified in a no-contact order, restraining order, or protection order as the protected person and/or any identified victim of the crime that resulted in the firearm surrender.
- Allows a family, household member, or intimate partner to request to be notified when a law enforcement agency returns a firearm to the individual from whom it was obtained or to an authorized representative of that person;
- Notification relating to the return of one firearm shall be considered notification for all firearms for that person.

Notification may be made via telephone, email, text message, or another method that allows notification to be provided without unnecessary delay. All notifications or attempts to deliver the notification must be documented by the law enforcement agency.

It is recommended that if telephonic or electronic notification is not successful, the agency sends written notification to the last known address via USPS mail.

Notifications are Confidential:

A law enforcement agency shall not provide notification to any party other than another criminal justice agency; the family, household member or intimate partner who requested the notification; the identified protected person; or the identified victim of the crime that resulted in the firearm surrender.

The information provided by a family or household member or intimate partner, including the existence of the request for notification, is not subject to public disclosure under chapter 42.56 RCW.

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390.14 OWNER CLAIM OF FIREARMS SURRENDERED

Owner Claim of Firearms Surrendered in OTSPW:

- The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;
- The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and
- The requirements of RCW 9.41.345 are met.

Owner Claim of Firearms Surrendered in ERPO:

- The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides by written document to the court regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;
- The court advises the lawful owner of the penalty for failure to do so; and
- The firearm is not otherwise unlawfully possessed by the owner.

390.15 COURT ORDER FORFEITURE OF FIREARMS

RCW 9.41.098 provides the authority for law enforcement agencies to seek the forfeiture of firearms which are not eligible to be released back to the owner pursuant to the requirements of RCW 9.41.345.

A superior, district, or municipal court may order the forfeiture of a firearm which is determined to be:

- In the possession of a person prohibited from possessing the firearm under RCW 9.41.040, (which includes a prior conviction for DV; or a conviction for violating the provisions of a Protection Order, an OTSPW, or an ERPO);
- In the possession of a person during any period of time that the person is subject to an active Protection Order, No-contact Order, or Restraining Order (with protective and restraint provisions) issued by a court after a hearing for which the person received actual notice, and at which the person had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. This would include an agreed order by the parties without a hearing;
- In the possession or under the control of a person who committed or was arrested for committing a felony or committing a non-felony crime in which a firearm was used or displayed;
- In the possession of a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in chapter 46.61 RCW;

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- In the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a felony or for a non-felony crime in which a firearm was used or displayed;
- Used or displayed by a person in violation of a proper written order of a court of general jurisdiction.

It is recommended law enforcement agencies coordinate any firearm forfeiture request with the prosecutor handling the underlying case so the forfeiture order can be entered by the court at sentencing. A conviction for a DV offense or conviction of a Protection Order violation would then prohibit the return of any of the defendant's firearms in the possession of the agency, either those held for evidence, or those surrendered pursuant to an OTSPW or ERPO.

Final Disposition of Forfeited Firearms:

Upon entry of an order of forfeiture, the court has the discretion to order the destruction of any forfeited firearm. A court may also temporarily retain forfeited firearms needed for evidence.

Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives are exempt from destruction and shall be disposed of by auction or trade to licensed dealers or to museums or historical societies.

Firearms that are judicially forfeited and no longer needed for evidence; or forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010; may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority.

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of the Skagit County Sheriff's Office, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.

(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.

(c) Calls for service, both routine and emergency in nature.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the Patrol and other division within the Department, as well as other outside governmental agencies.

(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.

(i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Skagit County Sheriff's Office to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Deputies should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Investigation 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-department cooperation and information flow between the various bureaus of the Skagit 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 appropriate bureau for retention or follow-up investigation.

400.2.2 PATROL BRIEFING

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or deputies will be provided an opportunity to share information at the daily patrol Briefings as time permits.

400.2.3 INFORMATION CLIPBOARDS

Some information will be maintained on clipboards or bulletin boards in the squad room and will be available for review by deputies from all divisions within the Department. Other information may be transmitted through email or other electonic formats.

400.2.4 BULLETIN BOARDS

A bulletin board will be kept in the [Briefing] room and the Investigation Unit for display of suspect information, intelligence reports and photographs. New Departmental Directives will be made available for patrol supervisors and will be discussed at [Briefing]s and shift meetings. A copy of the Departmental Directive will be placed on the [Briefing] room clipboard.

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.

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Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Skagit 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).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

402.2 POLICY

The Skagit County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.2.1 DEFINITION

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.3.1 OTHER PROHIBITIONS

The Skagit 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

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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.

(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.

402.4 MEMBER RESPONSIBILITIES

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

402.4.1 REASON FOR CONTACT

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

402.4.2 REPORTING TRAFFIC STOPS

Each time a deputy makes a traffic stop, the deputy shall report any demographic information required by the Office (RCW 43.101.410).

402.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved deputy and their supervisor in a timely manner.

    1. Supervisors should document these discussions in the prescribed manner.

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(b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, Mobile Data Terminal (MDT) 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.

402.6 STATE REPORTING

Subject to any fiscal constraints, the Field Services Bureau Chief 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 (WASPC) (RCW 43.101.410(3)).

402.7 ADMINISTRATION

The Field Services Bureau Chief 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 report should also include a documented review of office activities with potential for bias. This may include traffic and field contacts, asset forfeiture efforts, citizen complaints, and any corrective measures taken. The annual report should not contain any identifying information about any specific complaint, member of the public, or deputy. It shall be reviewed and approved by the Sheriff to identify any changes in training or operations that should be made to improve service.

Supervisors should review the office annual report and the annual report submitted to the WASPC, and discuss the results with those they are assigned to supervise.

402.8 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include (RCW 43.101.410):

(a) Explicit and implicit biases.

(b) Avoiding improper profiling.

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Skagit County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Sworn members of this department shall enforce all lawful orders of the local health officer, issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (RCW 70.05.070; WAC 246-100-040(2)).

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Regional Response Team

404.1 PURPOSE AND SCOPE

The Skagit Regional Response Team (SRRT) is comprised of two specialized teams: a Washington State Criminal Justice Training Center (CJTC) Special Weapons and Tactics (SWAT) certified team and a marksman team known as the Open Air Scout Intervention Specialist (OASIS) team. SRRT has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The sections of this policy are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational sections serve as a guideline to office personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 REGIONAL RESPONSE TEAM DEFINED

SRRT is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk search and arrest, where public and officer safety issues warrant the use of such a unit. OASIS is comprised of SRRT operators that provide specialized support services to SRRT. OASIS and SRRT consistently train together and OASIS operators may be utilized as SRRT operators during operations where OASIS is not deployed.

404.2 LEVELS OF CAPABILITY/TRAINING

404.2.1 SRRT

SRRT is a Washington State CJTC certified SWAT team. SRRT operators attend the Washington State CJTC certified Basic SWAT course or its equivalent. Operators train monthly for ten hours on SWAT related procedures. If funding is available, SRRT operators receive a week long advanced SWAT course annually.See attachment: North Cascades Regional SWAT Team SOP 10MAR23.pdf

404.2.2 OASIS

OASIS operators complete a Washington State CJTC approved marksman/observer course. They have the capability to utilize specialized equipment to intervene in tactical situations for a safe resolution of the situation. They are capable of providing over-watch, surveillance, containment and intervention. These operators may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5% of their on-duty time should be devoted to

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specialized marksman training. OASIS is an integral part of SRRT and OASIS operators are responsible to maintain the standards required of SRRT operators.

A sniper is a trained SRRT operator capable of delivering precision fire with a rifle. A sniper team is made up of two team members, one of which shall be a sniper. When deployed in teams, each member must be fully capable with his assigned weapon. The snipers shall function either as a team or individually as the situation dictates. Sniper(s) will be deployed as part of SRRT operations. As such, snipers will be under the direction of the Team Leader.. Members of the sniper team must have excellent judgment and marksmanship skills. They must be able to carry out an order without regard to personal feelings when called upon t do so. They must have patience and strong decision making capabilities. Additional duties of the sniper team include but are not limited to the following:

1) Gather intelligence of the crisis site vio reconnaissance of the planned objective area and involved persons.

2) Provide cover and security (over-watch) for the entry team's approach and escape route(s).

3) Eliminate the threat of a suspect by that force necessary to protect life when authorized by command level officer to do so.

All SRRT operators are authorized to use deadly force without prior authorization if it is necessary to protect himself, another officer, or another person from imminent death or serious injury. In all cases, the use of deadly force shall be in compliance with applicable law and department policies.

404.3 POLICY

It shall be the policy of this department to maintain an SRRT and to provide the equipment, manpower, and training necessary to maintain an SRRT. The SRRT should develop sufficient resources to perform three basic operational functions:

(a) Command and Control.

(b) Containment.

(c) Entry/Apprehension/Rescue.

It is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

404.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SRRT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SRRT Commander or his/her designee.

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404.3.2 ORGANIZATIONAL PROCEDURES

This office shall develop a separate written set of organizational procedures which should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing.

(b) Team organization and function.

(c) Personnel selection and retention criteria.

(d) Training and required competencies.

(e) Procedures for activation and deployment.

(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.

404.3.3 OPERATIONAL PROCEDURES

This office 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 SRRT opertators 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 SRRT operations (time permitting).

    1. All SRRT operators should have an understanding of operational planning.

    2. SRRT team training should consider planning for both spontaneous and planned events.

    3. SRRT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.

    1. When possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SRRT.

(e) The appropriate role for a trained negotiator.

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(f) A standard method of determining whether or not a warrant should be regarded as high-risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Post incident scene management including:

1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SRRT team.
   (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.

404.4 TRAINING NEEDS ASSESSMENT

The SRRT Commander shall conduct an annual SRRT Training needs assessment to ensure that training is conducted within team capabilities and department policy.

404.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of a Criminal Justice Training Commission (CJTC) approved Basic SWAT Course or its equivalent.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed office requirements or standardized training recommendations.

404.4.2 UPDATED TRAINING

Appropriate team training for the specialized SRRT functions and other supporting resources should be completed prior to full deployment of the team.

SRRT operators and SRRTteam leaders should periodically completeCJTC approved update or refresher training.

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404.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SRRT function at the organizational level to ensure personnel who provide active oversight at the scene of SRRT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend CJTC approved SWAT or Critical Incident Commander course or its equivalent. SRRT command personnel should attend a SWAT commander or tactical commander course, or its equivalent.

404.4.4 SRRT ONGOING TRAINING

Training shall be coordinated by the SRRT Commander. The SRRT 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) SRRT will train on SWAT operational procedures, operational planning, breaching, entry and room clearing methods, and other SWAT topics monthly. These activities are physically demanding and SRRT operators must maintain their physical capabilities to adequately accomplish these activities.

(b) Semi-annually, each SRRT operator shall perform the mandatory SRRT handgun and rifle qualifications course. The qualification courses shall consist of the CJTC approved pistol and rifle qualification scored at a 90 percent. Failure to qualify will require the operator to seek remedial training from a range master approved by the SRRT Commander. Operators who fail to qualify will not be used in SRRT operations until qualified. Operators 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.

(c) Annually, each SRRT operator shall complete the SRRT qualification course for any specialty weapon issued to, or used by, the operator during SRRT operations. Failure to qualify will require the operator to seek remedial training from a range master who has been approved by the SRRT Commander. Operators who fail to qualify on their specialty weapon may not utilize the specialty weapon on SRRT operations until qualified. Operators 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 SRRT, or the operator may be permanently disqualified from use of that particular specialty weapons.

404.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

404.4.6 SCENARIO BASED TRAINING

SRRT and OASIS 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.

404.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Administrative Services Division. Such documentation shall be maintained in each member's individual training

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file. A separate agency SRRT training file shall be maintained with documentation and records of all team training.

404.5 UNIFORMS, EQUIPMENT, AND FIREARMS

404.5.1 UNIFORMS

SRRT and OASIS operators should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.5.2 EQUIPMENT

SRRT should be adequately equipped to meet the specific mission(s) for which they are deployed.

404.5.3 FIREARMS

Weapons and equipment used by SRRT, OASIS, and supporting resources shall be agency-issued or approved, including any modifications, additions, or attachments.

404.5.4 OPERATIONAL READINESS INSPECTIONS

The SRRT Commander shall appoint the SRRT team leader or his/her designee to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SRRT commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the facility and equipment maintained or used in SRRT vehicles.

404.6 MANAGEMENT/SUPERVISION OF THE REGIONAL RESPONSE TEAM

The Chief of Field Services is the Commander of the SRRT.

404.6.1 TEAM SUPERVISORS

The SRRT will be supervised by a sergeant selected by the Sheriff upon specific recommendation by staff and the SRRT Commander.The sergeant selected shall be referred as the Team Leader. The supervisor's responsibilities for the SRRT are to supervise the operations of the SRRT, which will include deployment, training, first line participation, and other duties as directed by the SRRT Commander.

The Assistant Team Leader shall be selected by the Team Leader.

404.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

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404.7.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Bureau Chief. A copy will be forwarded to the SRRTCommander. Qualified applicants will then be invited to an oral interview. The oral board will consist of the SRRT Commander or designee, a member of the Crisis Negotiation Team, and a third person to be selected by the SRRT Commander. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

(c) Effective communication skills to ensure success as a negotiator.

(d) Special skills, training, or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

404.7.2 TRAINING OF NEGOTIATORS

Those deputies selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Criminal Justice Training Commission (CJTC) prior to primary use in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

404.8 REGIONAL RESPONSE TEAM ADMINISTRATIVE PROCEDURES

SRRT was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SRRT.

404.8.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a change of assignment request to their appropriate Division Chief, a copy of which will be forwarded to the SRRT Commander

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and a copy will be forwarded to the SRRTTeam Leader. 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 SRRT Team Leader. The testing process will consist of an oral board, physical agility test, CJTC handgun and rifle qualifications, scenario based evaluation, problem solving exercise, and a team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the SRRT Team Leader. 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 an SRRT operator.
3. Special skills, training, or appropriate education as it pertains to this assignment.
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the SRRT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) Firearms proficiency: Candidates will be invited to shoot a designated course for the handgun and rifle.

(d) Scenario based evaluation: Candidates will receive a tactical scenario that may require the deployment of SRRT and other resources. Candidates will complete a written description of how they chose to resolve the situation. They will brief designated SRRT operations and be evaluated on the manner in which they resolve the situation.

(e) Problem solving exercise: SRRT operators will provide a problem for candidates to resolve, which includes some designated task that is not possible to complete without working to solve a problem that interrupts the completion of the task. Candidates must complete the problem within a certain designated time frame to be successful in this exercise.

(f) 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.

(g) A list of successful applicants shall be submitted for final selection.

404.8.2 TEAM EVALUATION

Continual evaluation of a SRRT operator's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SRRT Commander. The performance and efficiency level, as established by the Team Leader, will be met and maintained by all SRRT Team members. Any member of the SRRT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

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404.9 OPERATION GUIDELINES FOR THE REGIONAL RESPONSE TEAM

The following procedures serve as guidelines for the operational deployment of the SRRT. Generally, the SRRT, OASIS 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 OASIS team or the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the SRRT Team Leader.

404.9.1 APPROPRIATE SITUATIONS FOR USE OF THE REGIONAL RESPONSE TEAM

The following are examples of incidents which may result in the activation of the SRRT:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages are taken.

(c) Cases of suicide threats.

(d) Arrests of dangerous persons.

(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

404.9.2 OUTSIDE AGENCY REQUESTS

Deployment of the SRRT in response to requests by other agencies must be authorized by a Division Chief.

404.9.3 MULTI-JURISDICTIONAL SRRT OPERATIONS

The SRRT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SRRT operations will regularly be conducted; SRRT multi-agency and multi-disciplinary joint training exercises are encouraged.

(b) Members of the SRRT team shall operate under the policies, procedures and command of the Skagit County Sheriff's Office when working in a multi-agency situation.

404.9.4 MOBILIZATION OF REGIONAL RESPONSE TEAM

The Shift Supervisor shall make a request to the on-call Administrator for the SRRT. If unavailable, the Team Leader shall be notified. A current mobilization list shall be maintained by the Team Leader. The Team Leader will then notify the Field Services Division Chief as soon as practical.

The Shift Supervisor should provide the on-call Administrator and Team Leader 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.

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(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 SRRT Team Leader shall then call selected operators to respond.

404.9.5 FIELD UNIT RESPONSIBILITIES

While waiting for the SRRT, 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) Evacuate any injured persons or citizens in the zone of danger.

(d) Establish a hasty arrest/response plan.

(e) Attempt to establish preliminary communication with the suspect.

(f) Be prepared to brief the SRRT Commander or Team Leader on the situation.

(g) Plan for, and stage, anticipated resources.

404.9.6 ON-SCENE COMMAND RESPONSIBILITIES

Upon a request for SRRT deployment, the Incident Commander shall brief the SRRT Team Leader about the situation. Upon review, it will be the SRRT Commander’s decision, with input from the SRRT Team Leader, whether to deploy the SRRT. Once SRRT deployment is authorized, the SRRT Commander shall assume responsibility for the tactical portion of the operation from the Incident Commander. The SRRT Commander shall continue supervision of the command post operation, outer perimeter security, and support for the SRRT. The Team Leader and the SRRT Commander (or his/her designee) shall maintain communications at all times.

There may be incidents in which the SRRT Commander recognizes that deadly force is necessary for the defense of others. SRRT operators may not be able to see those suspect actions which necessitate the use of deadly force. Decision with regard to the authorization for SRRT operators to use deadly force, absent SRRT operator witnessed self-defense or the defense of another, consistent with applicable law and department policy, shall be made by the SRRT Commander. It is still understood that an operator may, on their own accord initiate these actions without prior approval if a situation unfolds that requires immediate action to protect themselves or the lives of civilians or law enforcement officers.

404.9.7 COMMUNICATION WITH REGIONAL RESPONSE TEAM PERSONNEL

All of those persons who are non-Negotiator Team personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one

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should interrupt or communicate with Negotiator Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Leader or his/her designee.

404.10 SECTION TITLE

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Hostage and Barricade Incidents

405.1 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.

405.1.1 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.

405.2 POLICY

It is the policy of the Skagit 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.

405.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect’s surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

405.3.1 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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405.4 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.

405.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

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(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

405.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.

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(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

405.5 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 Skagit 911.

(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

405.6 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.

405.7 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.

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Warrant Service

406.1 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.

406.2 POLICY

It is the policy of the Skagit 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.

406.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

406.4 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).

406.5 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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406.6 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).

406.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded when announcing to everyone present that the conversation is going to be recorded and said announcement is recorded except if allowed by the warrant (RCW 9.73.030).

(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.

406.8 DETENTIONS DURING WARRANT SERVICE

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

406.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

406.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

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Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Skagit County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Skagit County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Sergeant should assume this role.

If deputies intend to serve a warrant outside Skagit 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 Skagit County Sheriff's Office when assisting outside agencies or serving a warrant outside Skagit County Sheriff's Office jurisdiction.

406.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

406.12 TRAINING

The Training Sergeant should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

406.13 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

406.14 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.

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Operations Planning and Deconfliction

407.1 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.

407.1.1 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.

407.2 POLICY

It is the policy of the Skagit 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.

407.3 OPERATIONS DIRECTOR

The Sheriff will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

407.4 RISK ASSESSMENT

407.4.1 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).

407.4.2 RISK ASSESSMENT REVIEW

Deputies will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

407.4.3 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. HRT (North Cascade Regional SWAT)
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. Evidence Room or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

407.5 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.

407.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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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.

407.6.1 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.

407.7 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 operations director shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations director for deputies who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the operations director to ensure that Skagit 911 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 Skagit 911, 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.

407.8 NORTH CASCADE REGIONAL SWAT PARTICIPATION

If the operations director determines that North Cascade Regional SWAT participation is appropriate, the director and the North Cascade Regional SWAT supervisor shall work together to develop a written plan. The North Cascade Regional SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the North Cascade Regional SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the deputies present.

407.9 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.

407.10 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 North Cascade Regional SWAT debriefing.

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407.11 TRAINING

The Training Sergeant should ensure deputies and North Cascade Regional SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Ride-Along Policy

409.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

409.1.1 ELIGIBILITY

The Skagit County Sheriff's Office Ride-Along Program is offered to residents, students and those employed within the County. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

409.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. Exceptions to this schedule may be made as approved by the Sheriff, Bureau Chief, or Shift Sergeant.

409.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Lieutenant. The participant will complete a ride-along waiver form. Information requested will include a valid ID or Washington driver’s license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Patrol Lieutenant will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Shift Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

409.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, sheriff's applicants, and all others with approval of the Shift Sergeant.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

409.2.2 SUITABLE ATTIRE
Any person approved to ride along is required to be suitably dressed, no sandals, tank tops, shorts and ripped or torn blue jeans. The Shift Sergeant or field supervisor may refuse a ride along to anyone not properly dressed.

409.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the expressed consent of the Shift Sergeant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

409.3 DEPUTY'S RESPONSIBILITY

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Patrol Lieutenant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Patrol Lieutenant with any comments which may be offered by the deputy.

409.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the deputy.

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any sheriff's equipment.

(c) The ride-along may terminate the ride-along at any time and the deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the deputy's duties.

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

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(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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Hazardous Material Response

411.1 PURPOSE AND SCOPE

Exposure to hazardous materials present potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

411.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

411.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

411.3 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Shift 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.

411.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

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To ensure the safety of members, PPE is available from supervisors. PPE items not maintained by this department may be available through the appropriate fire department or emergency response team.

411.4 POLICY

It is the policy of the Skagit County Sheriff's Office to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

411.5 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potentially hazardous material from a safe distance.

(b) Notify Skagit 911, appropriate supervisors, the appropriate fire department and hazardous response units.

1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(c) Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.

(d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:

1. Placards or use of an emergency response guidebook.

2. Driver’s manifest or statements or shipping documents from the person transporting the material.

3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:

(a) The type of material.

(b) How to secure and contain the material.

(c) Any other information to protect the safety of those present, the community and the environment.

(f) Provide first-aid to injured parties if it can be done safely and without contamination.

(g) Make reasonable efforts to secure the scene and prevent access from unauthorized individuals and to protect and identify any evidence.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.

(i) Establish a decontamination area when needed.

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(j) Activate automated community notification systems, if applicable.

(k) Dependent upon the substance and other specific conditions, consider initiating an emergency public notification or evacuation. The decision to initiate public notifications and/or evacuations shall be in accordance with the Skagit County Local Emergency Planning Committee (LEPC) procedures.

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Response to Bomb Calls

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Skagit 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.

414.2 POLICY

It is the policy of the Skagit 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.

414.3 RECEIPT OF BOMB THREAT

Office members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement, and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established office evidence procedures.

The member receiving the bomb threat should ensure that the Shift Sergeant is immediately advised and informed of the details. This will enable the Shift Sergeant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

414.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

414.4.1 SKAGIT COUNTY SHERIFF'S OFFICE FACILITY

If the bomb threat is against the Skagit County Sheriff's Office facility, the Shift Sergeant will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff's office, as he/she deems appropriate.

414.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Skagit County Sheriff's Office that is not the property of this office, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Sergeant deems appropriate.

414.4.3 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.

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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.

414.5 PRIVATE FACILITY OR PROPERTY

When a member of this office receives notification of a bomb threat at a location in the County of Skagit County, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting sheriff's assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Sergeant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

414.5.1 ASSISTANCE

The Shift Sergeant should be notified when sheriff's assistance is requested. The Shift 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 sheriff's control over the facility.

Should the Shift 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.

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1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

414.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Shift 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.

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5. The areas to be evacuated or cleared.

414.7 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.

414.7.1 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.

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Emergency Detentions

416.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place an individual under an emergency detention.

416.2 POLICY

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

416.3 AUTHORITY

A deputy may take a person into emergency detention when either (RCW 71.05.150; RCW 71.05.153; RCW 71.05.201; RCW 71.34.710; RCW 71.34.351):

(a) There is reasonable cause to believe that a person is suffering from a behavioral health disorder (e.g., mental disorder, substance abuse disorder) and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled

(b) The deputy has received an order authorizing emergency detention from a court or a designated crisis responder

Persons taken into emergency detention should be transported to an appropriate facility as soon as practicable.

416.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for emergency detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputies should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person.

(b) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

If at any point the individual changes his/her mind regarding voluntary evaluation, deputies should proceed with the emergency detention process, if appropriate.

416.4 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.

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(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 ensure the safety of the deputies and others.

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

416.5 TRANSPORTATION

When taking any individual into emergency detention, the transporting deputy should have Skagit 911 notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

Deputies may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Shift Sergeant approval is required before transport commences.

416.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the deputy should provide the staff member with the written application for an 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.

416.7 DOCUMENTATION

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

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

416.8 CRIMINAL OFFENSES

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

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

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(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.

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

416.9 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.

416.10 TRAINING

This office will endeavor to provide office-approved training on interaction with persons with behavioral health disorders, emergency detentions and crisis intervention.

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Citation Releases

418.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Skagit 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.

418.2 POLICY

The Skagit 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.

418.3 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)).

418.4 PROHIBITIONS

The release of a suspected offender on a citation and notice to appear is not permitted when:

(a) A person has been arrested pursuant to RCW 10.31.100(2) (restraining orders).

(b) A deputy has probable cause to believe that the person arrested has violated RCW 46.61.502 (DUI) or RCW 46.61.504 (physical control of a vehicle while DUI) or equivalent local ordinance and the deputy has knowledge that the person has a prior offense as defined in RCW 46.61.5055 (alcohol and drug violators) within the last 10 years, or that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense under RCW 46.61.5055 if it were a conviction (RCW 10.31.100; Criminal Rules, CrRLJ 3.2(o)(3)).

See the Domestic Violence Policy for release restrictions related to those investigations.

418.5 CONSIDERATIONS

In determining whether to cite and release a person, deputies shall consider whether (Criminal Rules, CrRLJ 2.1(b)(2)):

(a) The suspected offender has identified him/herself satisfactorily.

(b) Detention appears reasonably necessary to prevent imminent bodily harm to the suspected offender or another, property damage or breach of the peace.

(c) The suspected offender has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he/she will refuse to respond to the citation and notice.

(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.

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Foreign Diplomatic and Consular Representatives

420.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Skagit County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

420.2 POLICY

The Skagit County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

420.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

420.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. 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

420.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

420.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

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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.

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Rapid Response and Deployment

422.1 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.

422.2 POLICY

The Skagit 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.

422.3 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.

422.4 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:

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(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.

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).

422.5 PLANNING

The Field Services Bureau Chief 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.

422.6 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

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(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

422.7 SCHOOL NOTIFICATION

The Field Services Bureau Chief 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).

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Immigration Considerations

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Skagit County Sheriff's Office relating to immigration laws and interacting with federal immigration officials (RCW 43.10.315) and inform agency personnel that they are prohibited from engaging or in any way assisting in civil immigration enforcement.

426.2 DEFINITIONS

Definitions related to this policy include:

Federal Immigration Authority – Definition encompasses any: on-duty officer, employee, or person otherwise paid by or acting as an agent of the United States (U.S.) Department of Homeland Security (DHS) including, but not limited to, its sub-agencies, Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and any present or future divisions thereof charged with immigration enforcement.

"Federal immigration authority" includes, but is not limited to, the Enforcement & Removal Operations (ERO) and Homeland Security Investigations (HSI) of ICE, or any person or class of persons authorized to perform the functions of an immigration officer as defined in the Immigration and Nationality Act.

Immigration and Citizenship Status - Defined "as such status has been established to an individual under the Immigration and Nationality Act."

The following shall **not** be categorized as an individual's Immigration and Citizenship Status:

(a) **Speculation, assumptions, or inferences** based on a person's appearance, name, language ability, accent, ethnicity, national origin, or perceived country of origin.

Employees shall not rely on, or act upon any such speculative or unverified information when applying this Policy or performing their duties.

Personal Information - Definition includes but is not limited to:

- Names
- Dates of Birth
- Addresses
- GPS Locations
- Telephone Numbers
- Email Addresses
- Social Media Handles
- Social Security Numbers

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- Driver's License Numbers
- Parents' or Affiliates' Names
- Biometric Data
- Other Personally Identifiable Information.

For the purposes of this policy personal information does not include immigration or citizenship status.

Court Order or Judicial Warrant - Defined as a directive issued by a judge or magistrate under Article III of the US Constitution or Article IV of the Washington Constitution. These include, but are not limited to:

- Judicially Authorized Warrants
- Judicially Enforced Subpoenas

Court orders or judicial warrants exclude civil immigration or similar as well as other warrants, subpoenas, or orders not signed by a judge or magistrate.

426.3 POLICY

It is the policy of the Skagit 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.

426.4 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 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.

Agency personnel shall not take enforcement action against or use immigration or citizenship status or place of birth against crime victims or witnesses.

426.5 FEDERAL IMMIGRATION REQUESTS FOR ASSISTANCE

All requests by federal immigration officials for assistance from this office shall be directed to the Sheriff or other command staff. This includes requests for traffic control or peacekeeping efforts.

After receiving written approval from the Sheriff or command staff, the Office may provide essential public safety and peace keeping services, but shall not include assistance with immigration enforcement activity.

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These provisions ensure that command staff proactively screen and provide clear direction for any personnel actions related to immigration enforcement with considerations for KWW and agency policy compliance.

426.6 FEDERAL IMMIGRATION AUTHORITY PRESUMPTION

Agency personnel shall presume any federal immigration authority acting on official duty to be engaged in immigration enforcement.

Regardless of other duties that federal immigration authorities may momentarily perform, Agency personnel should always presume that federal immigration authorities are engaging in immigration enforcement and should act accordingly. This policy is necessary to ensure that sensitive information is protected at all times and that personnel do not unintentionally violate the law based on misunderstanding of roles.

426.7 PROTECTING INVESTIGATIVE INFORMATION

Agency personnel shall not investigate, interview, or similar within the presence or hearing distance of federal immigration authorities who are not:

- Directly connected to an Agency investigation into the violation of state or local criminal law; and
- Necessary to perform the officer's duties.

426.8 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)).

Agency personnel shall not use U&T Visa certifications to compel cooperation.

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

(a) Review any U or T Visa certification request submitted to the Sheriff's Office in full and verify all information submitted in support of the certification request using existing Sheriff's Office records, personal knowledge, or other available evidence.

(b) The Sheriff or their authorized designee may confer with the County Prosecuting Attorney to determine whether certification by the Sheriff's Office is proper.

(c) Address the request and 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.

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426.8.1 TIME FRAME FOR COMPLETION

The Sheriff or their authorized designee shall process U and T Visa certification requests within 90 days of receipt by the Sheriff's office, except under circumstances requiring a shorter timeframe.

(a) Any U or T Visa certification request for a person in federal removal proceedings shall be immediately processed by the Sheriff or their authorized designee such that the certification, if approved, is executed within 14 days of the Sheriff's Office receiving the request.

(b) U or T Visa certifications shall be expedited upon request for any person who will, or whose child(ren) will, reach age 21 before the 90-day processing deadline date and thus will otherwise lose their benefits. In any such instance, the Sheriff or their authorized designee shall execute the certification, if approved, no later than 14 days before the person or child turns 21 years old.

426.8.2 U VISA AND T VISA DOCUMENTATION AND REPORTING

The Investigation Unit supervisor or records clerk 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 Investigation Unit supervisor or the authorized designee should ensure that the information collected regarding certification forms is reported annually to the Office of Crime Victims Advocacy (RCW 7.98.020).

426.8.3 RELEASE OF INFORMATION

The fact of any request for U or T Visa certification and any personal information submitted with such request shall not be disclosed or shared outside of the Sheriff's Office or the Prosecutor's Office without a court order or judicial warrant, or approval by the Sheriff or their authorized designee unless expressly authorized, in writing, by the subject of the request or the subject's guardian, or as otherwise required by law.

426.9 PUBLIC TRANSPARENCY AND COMMUNITY ENGAGEMENT

To promote public confidence and transparency consistent with RCW 43.10.315, the Sheriff's Office shall:

(a) Post this policy and any future updates on the agency's public website.

(b) Provide a summary of annual audit findings related to immigration enforcement requests to the Washington Association of Sheriffs and Police Chiefs (WASPC) and to the Washington State Office of th Attorney General upon request.

(c) Make reasonable efforts to engage community stakeholders in reviewing and discussing this policy to ensure continued compliance and trust.

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(d) Submit any updated versions of this policy to the Office of the Attorney General for inclusion in the statewide record of KWW compliance.

426.10 COMPLETING FINGERPRINT AND BIOMETRIC SYSTEM SUBMISSIONS

Agency personnel processing fingerprint cards or Automated Biometric Identification System submissions shall enter a placeholder term such as "Unknown" for fields addressing immigration or citizenship status unless the information is otherwise known.

426.11 WARRANTLESS CUSTODY TRANSFER TO FEDERAL IMMIGRATION AUTHORITIES PROHIBITED

Agency personnel shall not transfer custody of an individual to federal immigration authorities or similar without a judicial warrant or court order.

Warrants must be confirmed valid and judicial before the agency takes action to comply. An agency's warrant confirmation process shall include:

- Obtaining a copy of the warrant.
- Identifying the criminal charge and federal law citation.
- Identifying the issuing court.
- Verifying that the warrant includes the correct date and time.
- Confirming the warrant is signed by the correct judicial official.

Personnel shall not disclose the location of an officer or individual until the warrant is confirmed.

426.12 TASK FORCE ASSIGNMENTS

Sheriff's Office personnel assigned to a multi-agency task force or Federal task force, here-in referred to as Task Force Officers (TFOs), shall operate **solely within the criminal#law mission** of the task force to which they are assigned.

TFOs shall not participate in, support, or facilitate civil immigration enforcement, including activities conducted under federal civil immigration authority (e.g., 8 U.S.C. §§ 1226, 1231).

TFOs shall immediately notify their chain of command if a task force assignment or operation appears to involve civil immigration enforcement.

426.12.1 TFO PROHIBITION ON USE OF SHERIFF'S OFFICE RESOURCES

TFOs shall not use or permit the use of Sheriff's Office equipment, databases, facilities, vehicles, communications systems, or personnel for any civil immigration enforcement purpose.

Any request from a partner agency to access Sheriff's Office#controlled information or systems must be routed through Sheriff's Office command for review.

426.12.2 TFO INFORMATION-HANDLING RESTRICTIONS

To the extent reasonably practicable, TFOs will minimize the sharing of personal information and disclose only information to the extent reasonably appropriate to perform task force duties.

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TFOs shall not share personal information obtained through Sheriff's Office systems with federal immigration authorities or other agencies for civil immigration enforcement purposes. Should any federal immigration authority request personal information or records of any person, the federal authority should be directed to the City Clerk's Office to submit a request under state disclosure laws.

If a partner agency requests information that could reasonably be used for civil immigration enforcement, Sheriff's Office task force participants shall decline and notify their supervisor. TFOs shall direct the partner agency to submit their request to the Sheriff's Office under state public disclosure.

Victims' and witnesses' personal information ascertained by TFOs shall, when reasonably practical, be held only in WA state or local law enforcement databases except as the task force deems necessary to support a federal criminal investigation or prosecution.

As the circumstances may reasonably allow,TFOs shall disclose that they are engaged in a task force with federal law enforcement, when that task force includes federal law enforcement, prior to collecting from an individual their personal information.

426.12.3 TASK FORCE OFFICERS - WARRANTS, DETAINERS, AND REQUESTS FROM FEDERAL AGENCIES

TFOs shall not act on civil immigration detainers, administrative warrants, or requests issued under federal civil immigration authority.

Only judicial warrants signed by a judge or magistrate standards (All warrants signed by a judge are deemed constitutional by the signing judge and this is not determined by the TFO.) may be acted upon, and only when the underlying matter is criminal in nature.

TFOs shall refer any ambiguous warrant or request to Sheriff's Office legal or command staff before action is taken.

426.12.4 TASK FORCE OFFICERS - OPERATIONAL PARTICIPATION AND TASKING

TFOs shall not participate in operations, briefings, surveillance, or planning meetings whose primary or secondary purpose is civil immigration enforcement.

If an operation shifts in real time toward civil immigration enforcement, TFOs shall disengage and notify their Sheriff's Office supervisor as soon as operationally safe.

426.12.5 TASK FORCE OFFICERS - IDENTIFICATION AND REPRESENTATION

TFOs shall clearly identify themselves as Sheriff's Office personnel when declining participation in civil immigration enforcement activities.

TFOs shall not represent or imply that they are acting under federal civil immigration authority.

426.12.6 TASK FORCE OFFICERS - DOCUMENTATION AND REPORTING

TFOs shall document any instance in which they:

- Declined a request related to civil immigration enforcement.

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- Observed a partner agency engaging in civil immigration enforcement during a joint operation.
- When asked to provide information, resources, or assistance that could support civil immigration enforcement.
- Reports shall be submitted through the TFOs Sheriff's Office chain of command within established timelines.

426.12.7 TASK FORCE OFFICERS - ESCALATION AND SUPPORT
When confronted with unclear or conflicting direction from partner agencies, TFOs shall:

- Pause participation when safe.
- Contact their Sheriff's Office supervisor or designated command#level point of contact.
- Request clarification before proceeding.
- Supervisors shall support TFOs in declining participation in civil immigration enforcement.

426.12.8 TASK FORCE OFFICERS - TRAINING AND AWARENESS

- TFOs shall complete Sheriff's Office approved training on:
- Distinguishing criminal enforcement from civil immigration enforcement.
- Handling requests from federal partners.
- Information#sharing restrictions.
- Relevant state and local laws related to civil immigration enforcement.
- TFOs shall review these protocols annually and acknowledge understanding.

426.12.9 TASK FORCE OFFICERS - ACCOUNTABILITY AND COMPLIANCE
Failure to follow these protocols may result in administrative action consistent with Sheriff's Office policy.

Supervisors shall ensure TFOs are briefed on these requirements before assignment to any task force.

426.13 PRIOR APPROVAL REQUIRED FOR IMMIGRATION ENFORCEMENT

Agency personnel shall not take part in joint operations, task forces or other activities that support immigration enforcement actions without prior approval in writing from the Sheriff or command staff.

426.14 AGENCY RESOURCES

Agency resources, including any individuals' personal information ascertained by the office or deputies, shall not be used or shared to assist in civil immigration enforcement.

426.15 WASHINGTON STATE IMMIGRATION RESTRICTIONS

Members shall not (RCW 10.93.160):

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(a) Agency personnel are prohibited from engaging or in any way assisting in civil immigration enforcement.

(b) 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.

(c) Sheriff's Office personnel shall not share, provide, or disclose personal information about any person to anyone engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, without a court order or judicial warrant requiring the information's disclosure, except that the Sheriff's Office shall provide all records as required under the Public Records Act, chapter 42.56 RCW. Public records requests shall be processed pursuant to Sheriff's Office procedures by the Sheriff's Office Public Records Officer or designee. Any Sheriff's Office personnel receiving a public records request shall forward the request to the Sheriff's Office Public Records Officer and notify the Sheriff or their authorized designee. Sheriff's Office personnel shall not provide or disclose information in response to any notification request or other immigration enforcement related request for information regarding a person's release date from custody without a court order or judicial warrant, except that the Sheriff's Office shall provide all records as required by the Public Records Act, chapter 42.56 RCW, in response to any qualifying request. If Sheriff's Office personnel receive a court order or judicial warrant that mandates the sharing of information regarding a person's immigration or citizenship status, Sheriff's Office personnel shall provide the information as required by the court order or judicial warrant. Any Sheriff's Office personnel who shares or discloses a person's immigration or citizenship status to any person engaged, or intending to engage, in immigration enforcement, including a federal immigration authority, shall immediately notify the Sheriff or their authorized designee of the information provided, reason for sharing said information, and identity of the person and agency to whom the information was shared.

1. The Sheriff or authorized designee shall log all instances of Sheriff's Office personnel sharing any person's immigration or citizenship status with a person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, with the basis for sharing the information. The log shall be a public record and shall be made publicly available except that information may be redacted or withheld as permitted by the Public Records Act.

(d) Permit anyone engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, to access any person held, detained, or in Sheriff's Office custody without obtaining the person's prior consent in writing, unless a court order or judicial warrant requiring such access is presented.

1. To obtain written consent from a person held, detained, or in custody, prior to being interviewed by anyone engaged, or intending to engage, in immigration enforcement, including a federal immigration authority, the Sheriff's Office shall provide the person with an oral explanation and a written consent form that explains:

(a) The purpose of the interview;

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(b) That the interview is voluntary;

(c) That the person may decline to be interviewed and will not be punished or suffer retaliation for doing so; and

(d) That the person may choose to be interviewed only with the person's attorney present.

2. Sheriff's Office personnel shall provide the oral explanation and consent form in a language understood by the person or by using an approved language service if the person is unable to read the form or if the form is not available in a language the person understands. The Sheriff's Office shall maintain copies of the consent form in English, Spanish, and any other language that the Sheriff's Office deems appropriate. The written consent form must explicitly state that the person in custody will not be punished or suffer retaliation for declining to be interview.

3. If a person chooses to be interviewed with their attorney present, Sheriff's Office personnel shall promptly contact the attorney. Sheriff's Office personnel shall not proceed with permitting any interview to take place prior to the person's first court appearance and counsel has been retained, appointed, or the person has chosen to proceed pro se.

(e) Detain individuals solely for the purpose of determining their immigration status.

(f) Initiate or participate in law enforcement action based solely on an individual's immigration or citizenship status or place of birth.

(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.

(h) If immigration-related information is restricted under RCW 10.93.160, or other Washington statute, collection, use or disclosure of the information may only be done if:

1. Required to comply with an identified state or federal law, or

2. In response to a lawful court order. RCW 10.93.160(16).

(i) Agency personnel shall use only agency approved language services for interpretation or translation needs. Agency personnel shall not utilize, request, or accept language services of any kind including translation, interpretation, training, or classes from federal immigration authorities or any person engaged, or intending to engage, in immigration enforcement. Agency personnel shall presume any federal immigration authority is engaged in immigration enforcement unless confirmed otherwise.

426.15.1 SCHOOL RESOURCE OFFICERS

SROs require training on all components of Keep Washington Working (KWW) applying to their duties and obligations. To the extent a statewide training program is available for SROs, KWW-

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specific curriculum should be incorporated to ensure consistent training for all SROs and to promote efficient delivery and implementation of these complimentary training requirements.

SROs may serve at schools with their own policies specific to KWW or immigration enforcement. Because SROs are part of Washington law enforcement, it is likely that schools rely upon them to assist or intervene in instances of immigration enforcement activity at or near school property. To the extent that a school includes its SRO in policies or procedures regarding immigration enforcement, including federal immigration authorities' presence or activity at or near school property, the SRO should be trained on such protocols and the expected role the SRO will serve.

426.16 AGENCY INTERNAL AUDITING

Law enforcement conducts audits to document and track instances and outcomes of at least:

- Requests for immigration and citizenship information;
- Requests for assistance with immigration enforcement;
- Requests from federal immigration authorities or similar for access to individuals in agency custody; and
- Requests for and contacts with foreign consuls.

426.17 IMMIGRATION ENFORCEMENT CONTRACTS AND AGREEMENTS

Agreements Prohibited:

Agency personnel shall not enter into any agreement which would grant federal immigration enforcement authority or powers, including 287(g) agreements.

Inter-Agency Agreement Protections:

All agency agreements to participate in multi-jurisdictional activity (ex: task forces) shall include legally binding assurances that all other parties shall not use or share agency resources, personnel, or information with 3rd parties or to support immigration enforcement.

Federal Inter-Agency Agreement Protections:

Agency personnel shall not engage in any multi-jurisdictional activity or agreement with federal immigration authorities or similar without legally binding assurances in writing that no agency resources, personnel, or information will be used to support civil immigration enforcement.

The agreement must be pre-approved by the agency executive.

Approval Required for Activities with Federal Immigration Authorities:

Agency personnel shall not assist or participate in any task forces or other activities with any person engaging in immigration enforcement without written pre-approval of the agency executive.

Immigration Detention Agreements Prohibited:

The agency shall not enter into a detention agreement with federal immigration authorities or similar.

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Database Access Protections:

All agreements permitting access to agency databases or information shall include legally binding assurances that all other parties shall not use or share information or database access with any 3rd parties supporting or engaged in immigration enforcement.

426.18 CONSULAR NOTIFICATION REQUIREMENTS

In accordance with RCW 10.93.160(9) and the Vienna Convention on Consular Relations, members shall
ensure that foreign nationals detained or held in custody are informed of their consular rights and that
required notifications are made in a timely manner.

(a) Within 72 hours of detention, all individuals in custody shall be verbally and in writing advised that:

1. They have the right to refuse to disclose information about their nationality, citizenship, or
immigration status; and

2. Disclosure of such information may result in civil or criminal immigration enforcement actions,
including removal from the United States.

(b) If a member becomes aware that an individual in custody is a foreign national, the supervisor shall
determine whether the individual's country is a signatory to the Vienna Convention or subject to mandatory
consular notification.

(c) If consular notification is required or requested by the individual:

1. The member shall notify the person's consulate without delay.

2. The person shall be advised that their consul has been, or will be, notified.

3. Consular officers shall be permitted to communicate with and visit the detainee as required by law.

(d) Members shall not inquire into a person's immigration or citizenship status solely for the purpose of
consular notification.

(e) Documentation of all consular notifications made or declined shall be included in the case or custody file.

426.19 TRAINING

The Training Sergeant should ensure that deputies receive training on:

(a) Keep Washington Working specific training that includes agency limitations on information sharing with immigration authorities.

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(b) Any statewide curriculum that is developed specific to immigration and Keep Washington Working.

1. When statewide training curriculum becomes available, deputies should be required to complete the training within six months.

(c)

(d)

(e) U and T Visa certifications and review the full instructions for completing U and T Visa certification forms on the Washington State Department of Commerce, Safety and Access for Immigrant Victims Program website. Training is located here: https://www.commerce.wa.gov/ocva/safety-and-access-for-immigrant-victims-program/

(f) Provide updated training on immigration related matters, Keep Washington Working and this policy annually.

The training sergeant will maintain training rosters and curriculum used to provide training to members with regards to the above training.

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Emergency Utility Service

428.1 PURPOSE AND SCOPE

The County Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Sheriff's Department. Requests for such service received by this department should be handled in the following manner.

428.1.1 BROKEN WATER LINES

The Public Utility District's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility.The Public Utility District can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the PUD side of the meter, emergency personnel should be called as soon as practical by Skagit 911.

428.1.2 ELECTRICAL LINES

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy 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.

428.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

428.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Skagit 911.

428.2 TRAFFIC SIGNAL MAINTENANCE

The County of Skagit contracts with a private maintenance company to furnish maintenance for all traffic signals within the County, other than those maintained by the State of Washington.

428.2.1 DEPUTY'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the deputy will advise the Skagit 911 of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency. If the malfunctioning signal poses a hazard to the public, the deputy may provide manual traffic control or close the roadway as necessary to provide for public safety.

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Aircraft Accidents

432.1 PURPOSE AND SCOPE

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

432.2 RESPONSIBILITIES

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

432.2.1 DEPUTY RESPONSIBILITIES

Deputies should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field deputy at the scene of an aircraft accident include the following:

(a) Determine the nature and extent of the accident.

(b) Request additional personnel and other resources to respond as needed.

(c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel.

(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.

(e) Provide crowd control and other assistance until directed otherwise by a supervisor.

(f) Ensure the coroner’s office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The Fire Department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, sheriff's personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

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432.2.2 NATIONAL TRANSPORTATION SAFETY BOARD
The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

432.2.3 CHIEF OF ADMINISTRATIVE SERVICES RESPONSIBILITIES
The Chief of Administrative Services is responsible for the following:

(a) Forward and maintain an approved copy of the accident report to the Washington State Department of Transportation - Aviation Division.

(b) Forward a copy of the report to the Field Services Bureau Chief and the manager of the affected airport.

432.2.4 PUBLIC INFORMATION OFFICER RESPONSIBILITIES
The Department Public Information Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or his/her designee.

(b) When practical, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media.

Information released to the press regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy.

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

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Field Training Officer Program

434.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition to the actual performance of general law enforcement duties of the Skagit County Sheriff's Office.

It is the policy of this department to assign all new sheriff's deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

434.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

434.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

(a) Desire to be an FTO.

(b) Minimum of four years of patrol experience, two of which shall be with this department.

(c) Demonstrated ability as a positive role model.

(d) Participate and pass an internal oral interview selection process.

(e) Evaluation by supervisors and current FTO's.

(f) Holds a valid Peace Officer Certificate with CJTC.

434.2.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete a CJTC Certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTO's must complete an annual Field Training Officer update while assigned to the position of FTO as determined by the unit supervisor.

434.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Field Services Bureau Chief or his/her designee and shall possess a CJTC Supervisory Certificate.

The responsibilities of the FTO Program Supervisor include the following:

(a) Assignment of trainees to FTOs.

(b) Conduct FTO meetings.

(c) Maintain and ensure FTO/Trainee performance evaluations are completed.

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(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor overall FTO Program.

(g) Maintain liaison with FTO Coordinators of other agencies.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTOs.

434.4 TRAINEE DEFINED

Any entry level or lateral sheriff's deputy newly appointed to the Skagit County Sheriff's Office who has successfully completed a CJTC approved Basic Academy.

434.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks.

The training period for lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

434.5.1 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 Skagit County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Skagit County Sheriff's Office.

434.6 EVALUATIONS

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

434.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

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(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

434.6.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

434.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

434.6.4 TRAINEE
At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training Program.

434.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations.

(b) End of phase evaluations.

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Obtaining Air Support

436.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

436.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or deputy in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

436.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Shift Sergeant, or his/her designee, will call the closest agency having helicopter support available. The Shift Sergeant on duty will apprise that agency of the specific details of the incident prompting the request.

436.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements.

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.

(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.

(e) Search and Rescue operations

(f) Vehicle pursuits.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for deputies on the ground.

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Contacts and Temporary Detentions

438.1 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.

438.1.1 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.

438.2 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 Skagit County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

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438.2.1 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.

438.2.2 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.

438.3 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.

438.4 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.

438.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

438.4.2 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.

438.4.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Sergeant with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Sergeant should review and forward the photograph to one of the following locations:

(a) If the photo and associated FI or memorandum is relevant to criminal organization/ enterprise enforcement, the Shift Sergeant will forward the photo and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part

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of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

438.4.4 SUPERVISOR RESPONSIBILITIES
While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

438.5 POLICY

The Skagit 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.

438.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, 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.

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Criminal Organizations

440.1 PURPOSE AND SCOPE

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

440.1.1 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.

440.2 POLICY

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

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

440.3 CRIMINAL INTELLIGENCE SYSTEMS

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

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

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

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

440.3.1 SYSTEM ENTRIES

It is the designated supervisor’s responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance

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with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Chief of Administrative Services may not purge such documents without the approval of the designated supervisor.

440.3.2 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)).

440.4 TEMPORARY INFORMATION FILE

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

440.4.1 FILE CONTENTS

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

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Evidence Room, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Skagit 911 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.

440.4.2 FILE REVIEW AND PURGING

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

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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.

440.5 INFORMATION RECOGNITION

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

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

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

440.6 RELEASE OF INFORMATION

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

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

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

440.7 CRIMINAL STREET GANGS

The Investigation Unit supervisor should ensure that there are an appropriate number of department members who can:

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

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

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440.8 TRAINING

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

(a) The protection of civil liberties

(b) Participation in a multi-agency criminal intelligence system.

(c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

(f) All users of the Washington criminal street gang database shall receive training on its use prior to accessing the database (RCW 43.43.762).

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Mobile Audio Video

443.1 PURPOSE AND SCOPE

The Skagit 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.

443.1.1 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.

Recorded media- Audio/video signals recorded or digitally stored on a storage device or portable media.

443.2 POLICY

It is the policy of the Skagit County Sheriff's Office to use mobile audio/video recording technology to more effectively fulfill the mission of the Office and to ensure these systems are used securely and efficiently.

443.3 DEPUTY RESPONSIBILITIES

Prior to going into service, each deputy will properly equip themself to record audio and video in the field. At the end of the shift, each deputy will follow the established procedures for providing to the Office any recordings or used media and any other related equipment. Each deputy should have adequate recording media for the entire duty assignment. In the event a deputy works at a remote location and reports in only periodically, additional recording media may be issued. Only Skagit County Sheriff's Office identified and labeled media with tracking numbers is to be used.

At the start of each shift, deputies should test the MAV system's operation in accordance with manufacturer specifications and office operating procedures and training.

System documentation is accomplished by the deputy recording their name, serial number, badge or personal identification number (PIN), and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

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443.3.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation where the system may be used however here are many situations where the use of the MAV system is appropriate. In addition to the required situations, deputies may activate the system any time he/she believes its use would be appropriate or of value to document an event.

In some circumstances it is not possible to capture images of the event due to conditions or location of the camera however the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The activation of the MAV system is required in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct, within video or audio range, which includes:

1. Vehicular pursuits
2. Suspicious vehicles
3. Arrests
4. Pedestrian checks
5. DUI investigations including field sobriety tests
6. Consensual encounters
7. Responding to an in-progress call

(b) All self-initiated activity in which a deputy would normally notify Skagit 911.

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, such as:

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 circumstances where the deputy believes that a recording of an event would be appropriate.

443.3.2 WHEN ACTIVATION NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service, or actively on patrol.

Absent legal cause or lawful order 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) or the expressed knowledge and consent of all parties.

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443.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the vehicle's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded, the video will also record.

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)).

443.4.1 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.

443.4.2 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, including notification of Skagit 911.

At reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) Logs reflect the proper chain of custody, including:

1. The tracking number of the MAV system media.
2. The date the media was issued.
3. The name of the office member or the vehicle to which the media was issued.
4. The date the media was submitted for retention.
5. The name of the office member submitting the media.
6. Holds for evidence indication and tagging as required.

(c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, office-involved traffic collisions), a supervisor shall respond to the scene and ensure that the appropriate person properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot, or an event that may threaten public safety, officer safety, or both, when the purpose

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is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of a deputy.

443.5 REVIEW OF MAV RECORDINGS

All recording media, 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.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the Office, MAV technician, or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

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 at least annually 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) By the media through proper process

(j) To assess possible training value

(k) 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.

(l) As may be directed by the Sheriff or the authorized designee

No sound or video recording may be made available to the public until final disposition of any criminal or civil litigation which arises from the event or events that were recorded (RCW 9.73.090(1)(c)).

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Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Sergeant. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

443.6 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.

443.6.1 COPIES OF VIDEO RECORDINGS

Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any person authorized in Policy Manual § 446.4.

Original video recording media may only be released in response to a valid court order or upon approval by the Sheriff or his/her designee subject to limitations in the law. In the event an original recording is released to court, a copy shall be made and placed in storage until the original is returned.

443.6.2 MAV RECORDINGS AS EVIDENCE

Original video media shall be booked into evidence at the end of shift whenever an arrest or significant event is recorded on video. When video media is booked into evidence, it shall be booked in the same manner as other property and referenced in the case report.

All other video media should be booked into evidence no later than every two weeks.

443.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for as long as any crime may be charged based on the events, communications or conversations recorded, and disposed of in compliance with the established records retention schedule (RCW 9.73.090(2)).

443.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

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443.7.2 MAV RECORDINGS AS EVIDENCE

Deputies who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the Skagit County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

443.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating deputy's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

(e) Deputies using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

(g) Deputies shall not erase, alter, reuse, modify, or tamper with MAV recordings. Only a supervisor, MAV technician, or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed or otherwise inserted into any device not approved by the Office, the MAV technician, or forensic media staff.

443.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing, and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:

1. Ensures it is stored in a secure location with authorized controlled access.
2. Makes the appropriate entries in the chain of custody log.

(c) Erasing of media:

1. Pursuant to a court order.
2. In accordance with established records retention schedule, including reissuing all other media deemed to be of no evidentiary value.

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(d) Assigning all media an identification number prior to issuance to the field:

1. Maintaining a record of issued media.

(e) Ensuring that an adequate supply of recording media is available.

(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the office evidence storage protocols and the established records retention schedule.

443.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

443.11 ANNUAL PROGRAM REVIEW

The MAV technician should complete an annual administrative review of the MAV program and provide it to the Sheriff for review.

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Mobile Data Terminal Use

445.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Data Terminal (MDT) system in order to ensure proper access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between office members and Skagit 911. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

445.2 POLICY

Skagit County Sheriff's Office members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

445.3 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).

445.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift Sergeants.

Use of the MDT 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 MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

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445.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

445.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Sergeant or other office-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the sheriff's radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

445.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the sheriff's radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

445.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members should ensure a field supervisor and the Shift Sergeant are notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the sheriff's radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

445.6 EQUIPMENT CONSIDERATIONS

445.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Skagit 911. It shall

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be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the sheriff's radio.

445.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

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Portable Audio/Video Recorders

446.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this office while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand-held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Skagit County Sheriff's Office facility, authorized undercover operations, wiretaps, or eavesdropping (concealed listening devices).

446.2 POLICY

The Skagit County Sheriff's Office shall provide members with access to portable audio/video recorders for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office and the public.

Portable audio/video recorders issued to members shall provide an adequate angle, focus and field of vision that reasonably promotes accurate recording of events including custodial interrogations at a place of detention (RCW 10.122).

All fully commissioned uniformed deputies designated to work patrol duties, including uniformed overtime details, or as otherwise designated by the Sheriff or designee, shall use and wear assigned portable audio/video recorders consistent with this policy.

All fully commissioned non-uniformed personnel may carry an assigned portable audio/video recorder at any time the member believes that such a device may be useful and shall use assigned portable audio/video recorders as required by law or at the direction of their supervisor consistent with this policy.

All fully commissioned personnel working underway marine patrol duties may carry an assigned portable audio/video recorder at any time the member believes that such a device may be useful and shall use assigned portable audio/video recorders as required by law or at the direction of their supervisor consistent with this policy.

The Sheriff or designee may authorize specific exceptions to wearing a portable audio/video recorder. Exceptions should be documented in writing.

Members are prohibited from using privately-owned portable audio/video recorders while on duty.

446.2.1 DEFINITIONS

In relation to the requirements of the Washington State Electronic Recordation of Custodial Interrogations Act (RCW 10.122):

"Custodial interrogation" means express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an

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individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody.

"Place of detention" means a fixed location under the control of a law enforcement agency where individuals are questioned about alleged crimes or status offenses. The term includes a jail, police or sheriff's office, holding cell, correctional or detention facility, **police vehicle**, and in the case of juveniles, schools.

446.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any office-issued device at any time, and any recording made while acting in an official capacity of the office, regardless of ownership of the device it was made on, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

446.4 MEMBER RESPONSIBILITIES

Prior to going into the field, each uniformed member will be properly trained and equipped with a portable audio/video recorder to record audio and video in the field to include familiarization with this policy.

At the start of their shift, members should test the portable audio/video recorder in accordance with manufacturer specifications and Office operating procedures to confirm the device is in good working order. If the portable audio/video recorder is malfunctioning, the member shall notify the shift supervisor as soon as reasonably possible.

Members should wear the portable audio/video recorder in a visibly conspicuous location not likely to be continuously obstructed by other equipment, clothing, or the members arms and hands.

Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use and notify persons that they are being recorded, whenever reasonably practicable.

Members should periodically review recordings to confirm that their assigned portable audio/video recorder accurately displays their identifying information, date, time, and is not regularly obscured due to camera placement. Members will correct any such issues as soon as reasonably possible.

Members should document the existence of a recording in any incident report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation (RCW 10.109.010).

When recording victim or witness interviews and the victim or witness requests to have their identity remain confidential or not be released, to include possible redaction of their image on video, the member shall instruct the victim or witness to contact the office in writing or by email as soon as possible (preferably within 24 hours). Under no circumstances should a member promise that someone's identity will be or remain confidential.

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Members should upload data from the portable audio video device at the end of every shift or, at the latest, the beginning of their following shift. If a recording is urgent or time sensitive the member shall conduct an upload as soon as possible and prior to the end of their shift unless supervisor approval is obtained to upload at a later time. Members should follow the office Body Worn Camera Procedure for data input and upload. Upon the start of their next shift, members should ensure the portable audio/video device successfully uploaded all data. Members shall keep their portable audio and video device sufficiently charged.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Members must record, in its entirety, any interrogation related to a felony crime or any interrogation of a juvenile (RCW 10.122.030).

Members shall intermittently assess accuracy and completeness of recordings.

446.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations

(b) Traffic stops, including but not limited to traffic violations, stranded motorist assistance, and all crime interdiction stops

(c) Self-initiated activity in which a member would normally notify Skagit 911

(d) 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 to the member 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.

As soon as practicable, deputies shall verbally notify individuals that they are being recorded using a portable recorder in the following circumstances (RCW 9.73.090):

- During an arrest, including the reading of *Miranda* rights
- During a traffic stop or other encounter simultaneously recorded by a portable recorder and an in-car camera system

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At no time is a member expected to jeopardize their safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

446.5.1 RECORDING PERSONS UNDER ARREST AND CUSTODIAL INTERROGATIONS
Consistent with RCW 9.73.090(1)(b), persons placed under arrest and recorded on portable audio/video recorders must:

- Be advised they are being recorded on the recording.
- Be verbally read Miranda warnings on the recording.
- Be advised of the date and time a recorded interview starts and ends.

A custodial interrogation, including the giving of any required warning, advice of rights of the individual being questioned, and the waiver of any rights by the individual, must be recorded electronically in its entirety if the interrogation subject is a juvenile or if the interrogation relates to a felony crime (RCW 10.122).

The above requirements do not apply to spontaneous statement 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).

If an applicable interrogation recording is not feasible because of exigent circumstances an interrogation need not be recorded (RCW 10.122).

Members do not need to record an interrogation if the subject of the interrogation indicates they will not participate, or continue to participate, in the interrogation if it is recorded. (RCW 10.122).

If a member does not record an applicable interrogation the member shall provide their report as soon as practicable after the completion of the interrogation explaining the reason for not complying with the requirements to record (RCW 10.122).

Members are not required to record an applicable interrogation if the member conducting the interrogation or the member's supervisor reasonably believes that the recording would disclose the identity of a confidential informant or jeopardize the safety of others. 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 stated on a recording at the time of the interrogation. If contemporaneous recording of the basis for the belief is not feasible, the recording must be made as soon as practicable after the interrogation is complete (RCW 10.122)

Members do not need to record an interrogation if the interrogation occurs when no member has knowledge of facts and circumstances that would lead a member to reasonably believe that the individual being interrogated is a juvenile or may have committed a felony offense. If the individual reveals facts and circumstances that give the member(s) reason to believe that the individual is a juvenile or is being interrogated on a matter related to a felony, the member(s) must record the remainder of the interrogation, if feasible (RCW 10.122).

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As soon as practicable, a member conducting a custodial interrogation outside a place of detention shall provide a report explaining the decision to interrogate outside a place of detention and summarizing the custodial interrogation process and the individual's statements made outside a place of detention (RCW 10.122).

Members conducting custodial interrogations are not required to obtain consent to electronically record from the individual being interrogated, but must inform the individual that an electronic recording is being made of the interrogation (RCW 10.122).

Members are not permitted to record private communication between an individual and their attorney (RCW 10.122).

Members are not permitted to encourage an individual to request that a recording not be made (RCW 10.122).

Members are not permitted to request another agency (e.g., Federal, Out-of-state) conduct an interrogation with the intent to avoid the above recording requirements (RCW 10.122).

446.5.2 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Washington law prohibits any individual from surreptitiously recording any conversation, except as provided in RCW 9.73.040, RCW 9.73.090 and RCW 9.73.210.

Members shall not surreptitiously record another office member without a court order unless lawfully authorized by the Sheriff or the authorized designee.

446.5.3 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation.

Deputies may de-activate the audio and/or video on the body-worn camera in limited circumstances to include:

- Conversations with crime victims or individuals who are unwilling to provide an audio/video recorded statement and the member reasonably believes taking the unrecorded statement will further the investigation.
- Tactical or operationally sensitive conversations.
- Interactions with undercover law enforcement.
- Significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

When audio and/or video is paused or stopped, deputies will announce on the recording the reason prior to stopping the recording (example: "Pausing the recording for a tactical discussion" or "Stopping the recording at the request of the crime victim").

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446.5.4 EXPLOSIVE DEVICE
Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

446.5.5 RECORDING IN RESIDENCES AND PRIVATE AREAS
Conversations between police officers and members of the public, when the officers are performing their official duties and are known to the other speakers to be performing their official duties, are not private conversations. However, conversations in a private home, where privacy is given “maximum protection,” are more likely to be deemed private. Thus, notice of recording should be provided as soon as practicable on entry into a residence. Absent exigent circumstances or when a contact becomes adversarial, officers shall inform any person being recorded that a recording is being made and shall ensure said advisement is recorded.

446.5.6 RECORDING IN A MEDICAL FACILITY
Any recording in a medical facility shall consist only of those persons pertinent to the investigation. Members should be vigilant while in a medical facility and avoid capturing non-law enforcement information to include sensitive medical information, images, or patients not directly involved in a law enforcement investigation.

446.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using office-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with a office-issued or personally owned recorder. Members shall not duplicate or distribute such recordings, except for authorized legitimate office business purposes. All such recordings shall be retained at the Office.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Sergeant. Any member who uses a personally owned recorder for office-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

Members should not activate or use the portable audio/video recorder during breaks, preparing written documents, and when not in service or actively on patrol.

Unless engaged in a legitimate law enforcement activity, members shall not activate their portable audio/video recorder when in any law enforcement facility to prevent recording operational or personal conversations.

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Members should not activate or use a portable audio/video recorder to record conversations with confidential informants and undercover officers to protect confidentiality and officer safety.

Members should not activate or use a portable audio/video recorder in places where reasonable expectations of privacy exist (e.g., bathrooms, locker rooms, etc.).

Members should not activate or use the portable audio/video recorder to intentionally record office training, unless approved by a Bureau Chief.

No member may surreptitiously record any conversation of any other member of this office except with a court order or when authorized by the Sheriff or designee for the purpose of conducting a criminal investigation.

If a member finds their portable audio/video recorder inadvertently activated, they should immediately deactivate it unless the recording is relevant to a legitimate law enforcement purpose.

446.7 IDENTIFICATION, PRESERVATION AND RETENTION OF RECORDINGS

To assist with preserving and properly retaining data and recordings, members shall upload, tag and mark recordings in accordance with established Office procedures.

446.7.1 RETENTION OF RECORDINGS

All recorded imagery will be stored and retained by the Office on secured servers in accordance with the law and Office retention procedures and destroyed at the conclusion of any retention period required by law. All recordings shall be retained for at least sixty days unless they meet the requirements of the Inadvertent Recording policy. The retention may be extended at the request of a supervisor (an officer may request this through his/her supervisor) and should be extended if the recorded contact constitutes evidence in a criminal case or that the recorded contact may be beneficial in a non-criminal matter.

All recordings containing custodial interrogations of juveniles or any interrogations in relation to felony offenses shall be preserved throughout the length of any resulting sentence, including any period of community custody extending through final discharge (RCW 10.122).

Recordings, created by the law enforcement agency using portable audio/video recorders that are known to have captured a unique or unusual action from which litigation or criminal prosecution is expected or likely to result shall be retained until the matter is resolved and the exhaustion of all appeals.

446.7.2 INADVERTENT RECORDINGS

A member may inadvertently/accidently activate a portable audio/video recorder from time to time. Inadvertent/accidental recordings that are not made in connection with the transaction of public business (e.g. a legitimate law enforcement purpose, RCW 40.14.010) may be deleted.

The following procedure has been established for videos that should be deleted because they are inadvertent/accidental:

(a) The recording member shall send an email requesting deletion of the recording to their supervisor with the following information:

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1. The date and time of the recording.
2. The reason or circumstances that caused the recording to be made.

(b) The supervisor will review the recording as soon as possible and determine whether the recording has a legitimate law enforcement purpose or is otherwise connected with the transaction of public business. If the recording meets the criteria to be deleted the supervisor will notify the evidence unit by email to request the removal of the recording from the Office recording management system.

(c) The evidence unit will send a response email to the originating member and the supervisor with a confirmation that the recording has been removed.

446.8 PUBLIC DISCLOSURE OF RECORDINGS

Public disclosure of portable audio/video recordings is governed by the Public Records Act, Chapter 42.56 RCW. Upon receipt of a public disclosure request for a recording, PDR specialists will process the request per established procedures to include sending the requestor a five day acknowledgement notice (or otherwise as consistent with state law) with an estimated time for completion of the request. The PDR specialists are responsible for sending a request to the evidence unit for the appropriate recording(s) that should include necessary details for processing and redaction(s).

The evidence unit is responsible for providing recordings (redacted as necessary) to PDR specialists. The evidence unit will notify PDR specialists of any delays and update estimated processing time as soon as possible.

446.9 REVIEW OF RECORDED MEDIA FILES

All recording media, recorded images and audio recordings are the property of this Office. Dissemination outside of the agency is strictly prohibited, except to the extent permitted by or required by law.

When preparing and approving written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the member’s performance. Supervisors should periodically review electronic recordings of custodial interrogations of juveniles and those connected to felony offenses for adherence to policy, internal accountability and State law (RCW 10.122).

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

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(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Sheriff or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

Members shall not access recorded data for non-official or personal use. Members shall not upload recorded data onto public and social media websites without express permission from the Sheriff or their designee.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy).

Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

446.9.1 USE OF PORTABLE AUDIO/VIDEO RECORDERS IN DISCIPLINE

The existence of a portable audio/video recording that captures an officer making a mistake or not in compliance with a policy or rule shall not be the basis for enhanced discipline. The existence of the recording does not exacerbate or aggravate the conduct, but likewise does not negate the need to address the core conduct at issue.

It is acknowledged that members encounter stressful situations in a fast paced and often unpredictable environment. In this environment, members will sometimes misspeak, make mistakes, or use foul language. While this Office and our members make every effort to avoid these errors, recordings should assist in coaching for improved performance when appropriate and should not be used to levy more discipline to members than the same unrecorded conduct would subject them to.

Supervisors may use information they review in recorded footage to coach and counsel members. If a supervisor observes activity in a recording that they believe is serious in nature (where coaching and counseling will not adequately address the conduct), the supervisor will bring the conduct to the attention of their Bureau Chief prior to further action being taken.

If a portable audio/video recording(s) is reviewed by the Office as part of an internal investigation; at least three business days prior to interviewing the subject member(s) or their legal/collective bargaining representative will be provided a copy of the recording(s).

446.10 TRAINING AND ACCOUNTABILITY

The Training Sergeant will oversee portable audio/video recording training to ensure that all members equipped with a portable audio/video recorder have received required training. FTO's and supervisors are responsible for providing initial training and at least annual update training to those members issued a portable audio/video recorder in person or by electronic training (RCW 10.109.010)(RCW 10.122).

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The Chief of Administration will ensure PDR staff are trained and adequate to comply with PDR and court needs. The Chief Criminal Deputy will ensure evidence staff are trained and adequate to meet evidence chain of custody, retention and processing needs. Supervisors will ensure members assigned to them are properly equipped and utilizing their portable audio/video recorder within policy. Supervisors will notify their Bureau Chief if members do not have adequate portable audio/video equipment to comply with this policy (RCW 10.122).

Failure to follow guidelines outlined in this policy, to specifically include policy covering custodial interrogations of minors or interrogations of anyone in connection with a felony offense, may result in disciplinary action (RCW 10.122).

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Medical Cannabis

448.1 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.).

448.1.1 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.

448.2 POLICY

It is the policy of the Skagit 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.

448.3 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.

448.3.1 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.

448.3.2 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).

448.3.3 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.

448.3.4 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).

448.4 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.

448.5 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.

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448.5.1 OTHER INVESTIGATIVE CIRCUMSTANCES

a. A 60 day supply of medical marijuana is determined to be 15 or less growing marijuana plants, regardless of size, quality or condition and 24 ounces or less of dried marijuana.

b. If someone has medical documentation and is over the authorized amount then you should seize all plants and dried product.

c. A person who is legitimately using medical marijuana may have one individual named as a primary caregiver and that person would also be protected in the cultivation and possession of marijuana as long as they also adhere to the above limitations. Also a caregiver must show what is termed a "caregiver letter" which specifically names them as a caregiver for a specific person. A caregiver also can only fulfill that role for one person at any given time.

448.6 EVIDENCE ROOM SUPERVISOR RESPONSIBILITIES

The Evidence Room Supervisor shall ensure that cannabis, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed.

Upon a determination by the prosecuting attorney that the person from whom cannabis, drug paraphernalia, or related property was seized is entitled to possession under the law, the Evidence Room Supervisor should return to that person any usable cannabis, plants, drug paraphernalia, or other seized property. That determination is the result of a decision not to prosecute, by the dismissal of charges or an acquittal.

The Evidence Room Supervisor may destroy cannabis that was alleged to be for medical purposes upon receipt of a court order.

The Evidence Room Supervisor may release cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Unit Supervisor.

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Bicycle Patrol Unit

450.1 PURPOSE AND SCOPE

The Skagit County Sheriff's Office has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

450.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to office needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol deputies shall be coordinated through the Bicycle Patrol Unit supervisor or the Shift Sergeant.

450.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Bureau Chief. A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor and second person to be selected by the BPU supervisor. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Special skills or training as it pertains to the assignment.

(c) Good physical condition.

(d) Willingness to perform duties using the bicycle as a mode of transportation.

450.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Field Services Bureau Chief or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.

(c) Scheduling maintenance and repairs.

(d) Evaluating performance of bicycle deputies.

(e) Coordinating activities with the Field Services Bureau.

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(f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

450.4 TRAINING

Participants in the program must complete an initial office-approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol deputies should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol deputies will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

450.5 UNIFORMS AND EQUIPMENT

Deputies shall wear the office-approved uniform and safety equipment while operating the office bicycle. Safety equipment includes office-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other office-approved shirt with office badge and patches and office-approved bicycle patrol pants or shorts.

Optional equipment includes jacket in colder weather, turtleneck shirts or sweaters when worn under the uniform shirt, and a radio head set and microphone.

Bicycle patrol deputies shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Deputies will be responsible for obtaining the necessary forms, citation books and other office equipment needed while on bicycle patrol.

450.6 CARE AND USE OF PATROL BICYCLES

Deputies will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries, and a charger.

Bicycles are considered vehicles and are subject to laws, regulations, and privileges applicable to the operation of vehicles upon the highway (RCW 46.04.670).

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a sheriff's decal affixed to each side of the crossbar or the bike’s saddlebag. Every such bicycle shall be equipped with front lights and rear reflectors or lights, and brakes satisfying the requirements of RCW 46.61.780.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bags sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage, and citations.

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Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information, and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with at least one blue lamp and a siren capable of giving an audible signal (RCW 46.37.190; WAC 204-21-130).

Bicycle deputies shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Deputies are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle deputy, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a office-approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each deputy assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Deputies shall not modify the patrol bicycle, remove, modify, or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the deputy need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the deputy’s immediate presence.

450.7 DEPUTY RESPONSIBILITY

Deputies must operate the bicycle in compliance with applicable codes under normal operation. Deputies may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and/or tactical considerations. Deputies must use caution and care when operating the bicycle without lighting equipment.

It shall be the policy of this office that all other bicycle operation shall be in compliance with the rules of the road except when responding to an emergency call or when in the pursuit of an actual or suspected violator. An emergency response or pursuit shall be conducted only with emergency lights and siren and under the conditions required by RCW 46.61.035 and with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4).

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Foot Pursuits

452.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

452.2 POLICY

It is the policy of this department 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 department members, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.

452.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Deputies may be justified in initiating a foot pursuit of any individual that the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual’s involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department 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.

452.4 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 department 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.

452.5 RESPONSIBILITIES IN FOOT PURSUITS

452.5.1 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.

452.5.2 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.

452.5.3 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 department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

452.6 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.

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Homeless Persons

460.1 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 Skagit County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Skagit 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).

460.1.1 POLICY

It is the policy of the Skagit 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.

460.2 HOMELESS COMMUNITY LIAISON

The Sheriff will designate a member of this office to act as the Homeless Liaison Deputy. The responsibilities of the Homeless Liaison Deputy include the following:

(a) Maintain and make available to all office employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with Social Services and representatives of other organizations that render assistance to the homeless.

(c) Maintain a list of those areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:

1. Proper posting of notices of trespass and clean-up operations.
2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Be present during any clean-up operation conducted by this office involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.

(f) Develop training to assist deputies in understanding current legal and social issues relating to the homeless.

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460.3 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.

460.3.1 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.

(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).

460.4 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.

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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 or the office Homeless Liaison Deputy. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Deputy.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the office Homeless Liaison Deputy if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Deputy to address the matter in a timely fashion.

460.5 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.

460.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Public Recording of Law Enforcement Activity

461.1 PURPOSE AND SCOPE

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

461.2 POLICY

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

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

461.3 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.

461.4 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.

461.5 SUPERVISOR RESPONSIBILITIES

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

The supervisor should review the situation with the deputy and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

461.6 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 department-owned device.

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Public Recording of Law Enforcement Activity

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

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First Amendment Assemblies

462.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

462.2 POLICY

The Skagit 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.

462.3 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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462.3.1 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.

462.4 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 Skagit 911, 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.

462.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

462.5.1 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).

462.5.2 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.

462.5.3 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).

462.6 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.

462.7 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.

462.8 ARRESTS

The Skagit 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).

462.9 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).

462.10 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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462.11 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, Skagit 911 records/tapes

(g) Media accounts (print and broadcast media)

462.11.1 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.

462.12 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.

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Civil Disputes

463.1 PURPOSE AND SCOPE

This policy provides members of the Skagit 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.

463.2 POLICY

The Skagit 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.

463.3 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.

463.4 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.

463.4.1 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.

463.5 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.

463.6 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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463.6.1 REQUEST TO REMOVE TRESPASSER DECLARATION

Where an owner or owner's authorized agent provides a declaration in compliance with RCW 9A.52.115, regarding an unauthorized person in a building considered residential real property, Deputies should consider removal of unauthorized persons as provided in RCW 9A.52.105.

Deputies must provide the occupant or occupants with a reasonable opportunity to secure and present any credible evidence, which the officer must consider, showing that the person or persons are tenants, legal occupants, or the guests or invitees of tenants or legal occupants.

Deputies having probable cause to believe that a person is guilty of criminal trespass under RCW 9A.52.070 for knowingly entering or remaining unlawfully in a building considered residential real property, have the discretionary authority to remove the person or persons, with or without arrest, or order the person or persons to remain off the premises or be subject to arrest for criminal trespass.

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Crisis Intervention Incidents

464.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

464.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

464.2 POLICY

The Skagit County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Office will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

464.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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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464.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff should designate an appropriate Bureau Chief to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide office interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

464.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

464.6 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

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Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

464.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous sheriff's response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

464.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(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).

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(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Bureau Chief.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

464.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to office reporting procedures or other official mental health or medical proceedings.

464.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Emergency Detentions Policy.

464.9.2 SUICIDE THREATS OR ATTEMPTS

Deputies should consider a referral to mental health services when a person has threatened or attempted suicide and the person does not qualify for 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).

464.10 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.

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(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

464.11 EVALUATION

The Bureau Chief designated to coordinate the crisis intervention strategy for this office should ensure that a thorough review and analysis of the office response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, deputies or incidents and will be submitted to the Sheriff through the chain of command.

464.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Office will develop and provide comprehensive education and training to all office members to enable them to effectively interact with persons in crisis.

Training shall include mandated training in crisis intervention, certified by the Criminal Justice Training Commission, as required by Washington law (RCW 43.101.427; WAC 139-09-020 et seq.).

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Medical Aid and Response

465.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

465.2 POLICY

It is the policy of the Skagit 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.

Core Principle: Duty to Provide or Facilitate First Aid

All law enforcement personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement. (RCW 36.28A.445). (See also CJTC's First Aid Guidelines.)

(a) Injured persons and restrained persons shall be monitored while in law enforcement custody.

(b) Consistent with training, officers shall take the following actions to reduce the risk of positional asphyxiation and compression asphyxiation:

1. As soon as safe and feasible after handcuffing or otherwise restraining a person taken to the ground, roll the person to the side and move them to an upright position that does not impede the mechanism of normal breathing, except if they are unconscious. This requirement is especially important when the person is handcuffed in the prone position.

    (a) Exception: If the person is conscious and expresses a desire to be placed in a different position, the officers shall place them in that position unless doing so poses a substantial risk of safety to the individual, officers, or others.

2. Do not put prolonged pressure on the chest, neck or back, including by sitting, kneeling, or standing.

3. 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.

4. Whenever possible during team restraint when manpower limitations allow, the ranking officer shall designate a "Safety Officer." The Safety Officer shall monitor the health and welfare of the person until:

    (a) Responsibility is transferred to a health care professional (e.g. EMT, paramedic); or

    (b) The person is placed in a seated position in a transport vehicle and verbalizes to the Safe- ty Officer that they feel okay, and the person appears to the Safety Officer to be well and speaking normally.

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5. If the Safety Officer becomes aware of an issue with the person's breathing, color, or any impairment, they shall inform the ranking officer.
6. Do not transport a restrained person in the prone position.

(c) Officers must provide or facilitate first aid specific to particular force tools.

1. Oleoresin Capsicum (OC) spray: At the earliest safe opportunity at a scene controlled by law enforcement, an officer shall take action to address the effects of the OC by flushing the per- son's eyes out with clean water and ventilating with fresh air, if possible.
2. Electronic Control Weapon (ECW): At the earliest safe opportunity at a scene controlled by law enforcement, officers shall remove ECW probes, unless probes are in a sensitive area, such as the head, breast, or groin.
   (a) Probes in sensitive areas shall be removed by an EMT, paramedic or other health care professional.
   (b) ECW probes should be treated as a biohazard.

465.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Skagit 911 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 Skagit 911 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.

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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.

Injured persons shall be monitored while in law enforcement custody (Washington State Office of the Attorney General Model Use of Force Policy).

465.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

465.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with an 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.

If the person who is in custody still refuses EMS care, the deputy will contact a supervisor for direction on whether to require the person to be transported to the nearest medical facility.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

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465.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

465.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A semi-automatic external defibrillator or AED should only be used by members who have completed a course approved by the Washington State Department of Health (DOH) that includes instruction in CPR and the use of an AED (RCW 70.54.310).

465.7.1 AED USER RESPONSIBILITY

Members who are issued AEDs should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly shall be taken out of service and given to the Training Sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact Skagit 911 as soon as possible and request response by EMS (RCW 70.54.310).

465.7.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use. Any data from usage shall be made available, upon request, to EMS or other health care providers (RCW 70.54.310).

465.7.3 AED TRAINING AND MAINTENANCE

The Training Sergeant should ensure appropriate training is provided to members authorized to use an AED.

The Training Sergeant is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer’s operational guidelines, and will retain records of all maintenance in accordance with the established records retention schedule (RCW 70.54.310).

465.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the health care practitioner who prescribed the overdose medication for use by the member (RCW 69.41.095).

465.8.1 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 routinely check the medication to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Sergeant.

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Any member who administers an opioid overdose medication should contact Skagit 911 as soon as possible and request response by EMS.

465.8.2 OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Sergeant will ensure that the Chief of Administrative Services is provided enough information to meet applicable state reporting requirements.

465.8.3 OPIOID OVERDOSE MEDICATION TRAINING
The Training Sergeant should ensure training is provided to members authorized to administer opioid overdose medication.

465.9 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport an arrestee to a hospital without a supervisor’s approval.

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.

465.9.1 HOSPITAL SECURITY AND CONTROL
Deputies who transport persons in custody to medical facilities for treatment should provide security and control during examination and treatment consistent with office protocols. Any such transport should be conducted in accordance with the Transporting Persons in Custody Policy.

The Field Services Bureau Chief should develop protocols related to the following:

(a) Providing security and control during an examination or treatment, including:

1. Monitoring the person in custody (e.g., guarding against escape, suicide, and assault of others)
2. Removal of restraints, if necessary and appropriate (see the Handcuffing and Restraints Policy)

(b) Responsibility for continuing security and control if the person in custody is admitted to the hospital

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1. This should include transferring custody of the person to an appropriate agency.

465.9.2 STATE REQUIREMENTS

When an individual in custody for a violent or sex offense is taken to a hospital, the transporting deputy shall remain with or secure the individual while the individual is receiving care, unless (RCW 10.110.020; RCW 10.110.030):

(a) The medical care provider determines the individual does not need to be accompanied or secured RCW 10.110.030(1)(a).

(b) The deputy notifies the medical care provider that the deputy is leaving after reasonably determining using his or her best judgment, that:

  (a) The individual does not present an imminent and significant risk of causing physical harm to themselves or another person. RCW 10.110.030(1)(b)(i).

  (b) There is no longer sufficient evidentiary basis to maintain the individual in custody. RCW 10.110.030(1)(b)(ii).

(c) In the interest of public safety, the deputy's presence is urgently required at another location and the officer determines, using his or her best judgment and in consultation with his or her supervisor, if available on duty, that the public safety interest outweighs the need to accompany or secure the individual in the hospital. RCW 10.110.030(1)(b)(iii).

  (a) The deputy should advise the hospital that the hospital must notify the deputy or the deputy's designee if the individual is, or is expected to be, released from the hospital prior to the deputy or a replacement deputy returning to resume accompanying or otherwise securing the individual. RCW 10.110.030(4).

  (b) The deputy must make a reasonable effort to ensure a replacement deputy is provided or other means of securing the individual is provided as soon as reasonably possible under the circumstances. RCW 10.110.030(4).

  (c) The deputy must notify the medical care provider or, if an immediate departure is required, other hospital staff member that the deputy is leaving the individual unattended or unsecured RCW 10.110.030(4)

If leaving under a. above, the deputy has no ongoing duty to accompany or otherwise secure the individual for the duration of their treatment by the hospital. If the deputy does not continue to accompany or secure the individual, the deputy should notify the hospital, that the hospital must notify the deputy or the deputy's designee when the individual is expected to be released by the hospital. RCW 10.110.030(2)(a).

If leaving under a. above, the individual later demonstrates behavior that presents an imminent and significant risk of causing physical harm to themselves or others and the physical condition of the individual renders the individual capable of causing physical harm to themselves or others, the hospital may request the presence of an officer to guard or otherwise accompany the individual, in which case (a) and (b) of above will apply. RCW 10.110.030(2)(b).

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If leaving under b.1. or b.2 above, the deputy must notify the medical care provider that the deputy is leaving the individual unattended or unsecured, in which case the hospital has no duty to notify the deputy when the individual is, or expected to be, released from the hospital. RCW 10.110.030(3).

465.10 FIRST-AID TRAINING

The Training Sergeant should ensure deputies receive periodic first-aid training appropriate for their position.

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Suspicious Activity Reporting

466.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

466.1.1 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.

466.2 POLICY

The Skagit 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.

466.3 RESPONSIBILITIES

The Criminal Investigations Bureau Chief 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 Criminal Investigations Bureau Chief 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).

466.4 REPORTING AND INVESTIGATION

Any 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 SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, a deputy becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

466.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Investigation Unit supervisor
- Crime Analysis Unit
- Other authorized designees

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Body-Worn Cameras

468.1 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 undercover operations, wiretaps, or eavesdropping (concealed listening devices).

468.1.1 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 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.

468.2 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.

468.3 RESPONSIBILITIES

468.3.1 BWC COORDINATOR RESPONSIBILITIES

The Sheriff or the authorized designee should delegate certain responsibilities to a BWC coordinator.

The responsibilities of the coordinator include:

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(a) Serving as a liaison between the Office and the BWC manufacturer/distributor and any third-party media storage vendor.

(b) Developing inventory procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Office and recording the date each BWC is placed into or taken out of service.

(c) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.

1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.

(d) Managing BWC media systems so that:

1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned office duties.

2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.

(e) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by deputies.

(f) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and office policy.

(g) Developing and updating BWC training for deputies who are assigned a BWC or for members given access to BWC media systems.

(h) Coordinating with the community relations coordinator to (see the Community Relations Policy):

1. Provide the public with notice of the office's use of BWCs (e.g., posting on the office website or social media pages).

2. Gain insight into community expectations regarding BWC use.

(i) Coordinating with the Chief of Administrative Services to (see the Records Section and Records Maintenance and Release policies):

1. Determine and apply proper retention periods to BWC media.

2. Develop procedures for the appropriate release of BWC media.

(j) Coordinating with the Evidence Room to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property and Evidence Policy).

(k) Completing an annual administrative review of the BWC program and providing it to the Sheriff for review.

468.3.2 DEPUTY RESPONSIBILITIES

Every deputy issued a BWC is responsible for its proper use, safekeeping, and maintenance.

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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. As part of the inspection, the deputy should perform a function test by activating the BWC and recording a brief video stating their name, identification number, assignment, and the date and time.

Deputies should wear their assigned BWC on their outermost garment positioned at or near chest level and as close to the center of their body as practicable. Deputies are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

When a BWC is not in the physical possession of the deputy to which it is assigned, it should be placed on the charging dock and stored in a secure location.

Deputies shall report any malfunction or damage to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the deputy's BWC or as a permanent replacement.

468.4 BWC USE

The following guidelines apply to the use of BWCs:

(a) Only office-issued BWCs should be used. Members are prohibited from using any other BWC without the express consent of the Sheriff or the authorized designee.

(b) BWCs should only be used by the deputy or deputies to whom it was issued unless otherwise authorized by a supervisor.

(c) The use of office-issued BWCs shall be strictly limited to deputies for office-related activities (RCW 10.109.030).

(d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.

(e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Sheriff.

468.4.1 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.

(f) Interactions with undercover deputies or confidential informants.

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(g) Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

468.5 ACTIVATION OF BWC

Deputies should activate their BWC during all calls for service and the performance of law enforcement-related functions. Deputies are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, deputies should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded. A deputy may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

At no time is a deputy expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

If a deputy attempts to activate their BWC but the BWC fails to record an event, the deputy should notify their supervisor as soon as practicable.

468.5.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a deputy should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

As soon as practicable, deputies shall verbally notify individuals that they are being recorded using a BWC in the following circumstances (RCW 9.73.090):

(a) During an arrest, including the reading of *Miranda* rights.

(b) During a traffic stop or other encounter simultaneously recorded by BWC and an in-car camera system.

The notice should be captured on the recording or narrated by the deputy.

468.5.2 PRIVACY CONSIDERATIONS

Deputies should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), deputies are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate office interest in recording the event. Deputies may also mute or deactivate their BWC:

(a) To protect the privacy of a victim or witness.

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(b) When an individual wishes to provide information anonymously.

(c) To avoid recording a confidential informant or undercover deputy.

(d) When discussing case tactics or strategy.

(e) During private conversations with other members or emergency responders.

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.

Before muting or deactivating their BWC, the deputy should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the office's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the deputy should unmute or reactivate their BWC and verbally note that recording has resumed.

468.5.3 LIVESTREAMING

Livestreaming enables authorized individuals to remotely view the audio and video captured by a deputy's BWC in real time. Only supervisors approved by the Sheriff or the authorized designee shall have access to livestreaming capabilities.

Livestreaming should only be activated:

(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.

468.5.4 DOCUMENTATION

Deputies are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a deputy who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

(a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.

(b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.

(c) Any exigency or other circumstances that prevented the deputy from immediately activating the recording at the beginning of the event.

(d) Any period of the event in which the deputy deactivated or muted their BWC and the reason for such action.

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(e) If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

468.6 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a deputy's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Office.

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each deputy present and upload and tag the BWC media.

468.6.1 TAGGING BWC MEDIA

Deputies should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

(a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.

(b) When a member has sustained a serious injury or a line-of-duty death has occurred.

(c) When a firearm discharge or use of force incident has occurred.

(d) An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.

468.7 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.

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BWC media systems should not be accessed using personal devices unless authorized by the Sheriff or the authorized designee.

468.7.1 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) BWC media tagged as restricted should only be accessible by those designated by the Sheriff or the authorized designee.

(b) Deputies may review their own BWC media for office-related purposes. Deputies should document in their report if they reviewed BWC media before completing the report.

(c) Investigators may review BWC media pertaining to their assigned cases.

(d) A deputy testifying regarding a office-related event may review the pertinent BWC media before testifying.

(e) Supervisors are permitted to access and view BWC media of their subordinates.

1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.

2. Supervisors should conduct periodic documented reviews of their subordinate's BWC media at least annually to evaluate the deputy'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 BWC media with the recording deputy when it would be beneficial to provide guidance or to conduct one-on-one informal training for the deputy.

3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.

(f) The Training Sergeant is permitted to access and view BWC media for training purposes.

1. The Training Sergeant should conduct a quarterly review of a random sampling of BWC media to evaluate office performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review BWC media as part of their review to identify training needs.

2. The Training Sergeant may use BWC media for training purposes with the approval of the Sheriff or the authorized designee. The Training Sergeant should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.

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(g) The Chief of Administrative Services may access BWC media when necessary to conduct office-related duties.

(h) The BWC coordinator 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.

468.7.2 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) 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.

(g) 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.

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy. The Chief of Administrative Services should review BWC media before public release.

468.8 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.

468.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage 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).

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468.9 TRAINING

The BWC coordinator should ensure that each deputy issued a BWC receives 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.

(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.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

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Chapter 5 - Traffic Operations

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Traffic

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for improving public safety through education and enforcement of traffic-related laws.

500.2 POLICY

It is the policy of the Skagit County Sheriff's Office to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Office will be driven by such factors as the location and/or number of traffic accidents, citizen complaints, traffic volume, traffic conditions, and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

500.3 DEPLOYMENT

Enforcement efforts may include such techniques as geographic/temporal assignment of officedeputies and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving, and a variety of educational activities. These activities should incorporate methods that are suitable to the situation; timed to events, seasons, past traffic problems or locations; and, whenever practicable, preceded by enforcement activities.

Several factors will be considered in the development of deployment schedules for officedeputies. State and local data on traffic accidents are a valuable resource. Factors for analysis include but are not limited to:

- Location.
- Time.
- Day.
- Violation factors.
- Requests from the public.
- Construction zones.
- School zones.
- Special events.

Officedeputies assigned to uniformed patrol or traffic enforcement functions will emphasize enforcement of violations that contribute to accidents, and will also consider the hours and locations where traffic accidents tend to occur. Deputies will take directed enforcement action on request, and random enforcement action when appropriate. Deputies shall maintain high visibility while working general enforcement, especially in areas where traffic accidents frequently occur.

500.4 ENFORCEMENT

Traffic enforcement actions will be consistent with applicable laws and take into account the degree and severity of the violation committed. This office does not establish ticket quotas. The

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number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance.

Several methods are effective in the reduction of accidents:

500.4.1 WARNINGS
Warnings are a non-punitive enforcement option that may be considered by the deputy when circumstances warrant, such as when a minor violation was inadvertent.

500.4.2 CITATIONS
Citations should be issued when a deputy believes it is appropriate. When issuing a citation for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At minimum, motorists should be provided with:

(a) An explanation of the violation or charge.

(b) The court appearance procedure, including the optional or mandatory appearance by the motorist.

(c) A notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

500.4.3 PHYSICAL ARREST
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.

500.5 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.

500.5.1 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

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deputy shall confiscate the license plates. The Office may either recycle or destroy the plates (RCW 46.32.100).

500.6 HIGH-VISIBILITY VESTS

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

Although intended primarily for use while performing traffic related assignments, high-visibility vests shall be worn at any time increased visibility would improve the safety or efficiency of the member.

500.6.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall be worn when increased visibility would improve the safety of the deputy or when the deputy will be exposed to the hazards of passing traffic or will be maneuvering or operating vehicles, machinery, and equipment.

Examples of when high-visibility vests shall be worn include traffic control duties, accident investigations, lane closures, and disaster scenes.

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.

500.7 HAZARDOUS ROAD CONDITIONS

The Skagit County Sheriff's Office will make all reasonable efforts to address all reported hazardous road conditions in a timely manner as circumstances and resources permit.

500.8 SCHOOL BUS SAFETY CAMERAS

Any school district with buses properly equipped with cameras that capture stop-arm violations may report such violations to the Skagit County Sheriff's Office whenever they occur within the office’s jurisdiction.

The Traffic Sergeant should establish a report form and procedure for school districts to report school bus stop-arm violations (RCW 46.63.180).

500.8.1 NOTIFICATION OF INFRACTION

The Traffic Sergeant 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. The notice of infraction shall be mailed to the registered owner or renter, if applicable, of the vehicle within 14 days of the violation (RCW 46.63.180).

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Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

This policy describes the circumstances in which members should prepare traffic collision reports.

502.2 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 Traffic Sergeant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Field Services Bureau Chief, or other persons as required.

502.2.1 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.

502.3 REPORTING SITUATIONS

502.3.1 TRAFFIC COLLISIONS INVOLVING COUNTY VEHICLES

Traffic collision investigation reports shall be taken when a County-owned vehicle is involved in a traffic collision upon a roadway or highway wherein 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 Bureau Chief.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

502.3.2 TRAFFIC COLLISIONS WITH 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 Skagit County Sheriff's Office resulting in a serious injury or fatality, the Traffic Sergeant or the Shift Sergeant, may notify the Washington State Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

502.3.3 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS

The Traffic Sergeant or on-duty Shift 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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502.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
Traffic collision reports shall be taken when they occur on private property under any of the following circumstances:

(a) When there is a death or injury to any person involved

(b) When a hit-and-run violation occurred

(c) When an RCW violation occurred

(d) Property damage exceeds the dollar amount currently established by WSP

502.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this 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 death or substantial bodily harm as defined in RCW 9A.04.110, deputies shall use the current state authorized form to document the collision and submit it to the appropriate state department (RCW 46.52.070).

502.4 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION
In the event of a serious injury or death related traffic collision, the Shift Sergeant shall notify the Traffic Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Traffic Sergeant, the Shift Sergeant or any supervisor may assign an accident investigator or motor deputy to investigate the traffic collision.

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Vehicle Towing

510.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this office to tow a vehicle.

510.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

510.2.1 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Skagit 911.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the deputy shall request dispatch to select a company from the rotational list of towing companies in Skagit 911. The deputy will then process the vehicle using the Washington Uniform Inventory Impound form.

510.2.2 DRIVING A NON-COUNTY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

510.2.3 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

510.2.4 RECORDS SECTION RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Skagit County Sheriff's Office personnel will promptly attempt to notify the legal owner of the recovery. (RCW 7.69.030(7))

510.3 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Office. A rotation or other system established by the Office for tow services should be followed.

510.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting deputy should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when

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appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Deputies should investigate whether reasonable alternatives to towing are available after arrest. A vehicle should not be towed if reasonable alternatives are available. When considering whether to leave a vehicle at the scene, deputies should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

(a) The vehicle can be legally parked, left in a reasonably secure and safe location, and is not needed as evidence.

(b) The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.

(c) The arrestee or owner of the vehicle requests that it be released to a person who is present, willing, and able to legally take control of the vehicle.

(d) The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Office will not be responsible for theft or damages.

510.5 VEHICLE INVENTORY

The contents of all vehicles towed at the request of office members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

(a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including but not limited to any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats.

(b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.

(c) 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.

(d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables, or hazardous materials.

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Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables , the container shall be opened and inventoried. If a closed container contains hazardous material, follow Hazardous Material Response policy 411. When practicable and appropriate, such items should be removed from the vehicle and given to the owner or booked into property for safekeeping.

Any cash, jewelry, or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Policy. A copy of the property form should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of office members, and protecting the Office against fraudulent claims of lost, stolen, or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

510.6 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, the office member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator, or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Office in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or their agent to request a hearing to contest the tow.

510.7 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Office members may assist by communicating requests through Skagit 911 to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the office member (RCW 46.55.080; RCW 46.55.085; RCW 46.55.113).

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Vehicles that are not the property of the County should not be driven by office members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or comply with posted signs.

510.8 RECORDS

Records Section members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

510.8.1 VEHICLE STORAGE REPORT

Office members towing a vehicle shall complete an impound authorization and inventory form. The report should be submitted to the Records Section as soon as practicable after the vehicle is towed.

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Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound validity hearings.

512.2 IMPOUND HEARING

When a vehicle is impounded by any member of the Skagit County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent (RCW 46.55.240).

512.2.1 HEARING PROCEDURES

When requested, a hearing will be held at the Skagit County Sheriff's Office within five days of the receipt of the request. The Department will appoint a Hearing Officer who will conduct the hearing and render a judgment. The employee who caused the removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on an impounded vehicle shall be submitted in person, writing, or by telephone within ten days of the date appearing on the notice. The person requesting the hearing may record the hearing at his/her own expense.

The vehicle impound hearing officer shall consider all information provided and determine whether the vehicle was impounded consistent with law and department policy. The Department will have the burden of proving by preponderance of the evidence that the vehicle was impounded lawfully and within policy.

If a decision is made that the vehicle was impounded within the law and department policy, the hearing officer shall advise the inquiring party that they may appeal the decision with the district court for a final judgment (RCW 46.55.240(1)(d)).

A decision that the vehicle was not impounded in a lawful manner or within department policy will require that the vehicle in impound be released immediately. Towing and storage fees will be paid at the Department's expense (RCW 46.55.120(2)(e)).

If a decision is made that the vehicle was not impounded in a lawful manner or within department policy, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Bureau Chief. The hearing officer will recommend to the appropriate Bureau Chief that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

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Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY

The Skagit County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Washington's impaired driving laws.

514.3 INVESTIGATIONS

Deputies should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All deputies are expected to enforce these laws with due diligence.

The Traffic Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Washington or another jurisdiction.

(g) Whether a child under the age of 16 was present in the vehicle (RCW 46.61.507).

514.4 FIELD TESTS

The Traffic Sergeant should identify standardized FSTs and any approved alternate tests for deputies to use when investigating violations of DUI laws.

514.4.1 ORAL FLUID ROADSIDE TESTS

A properly trained deputy may administer a office-authorized oral fluid roadside test (RCW 46.61.5062).

Before administering an oral fluid roadside test, the deputy shall advise the person of the following (RCW 46.61.5062):

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(a) The test is voluntary, and does not constitute compliance with the implied consent requirement of RCW 46.20.308.

(b) The test results may not be used as evidence against the person.

(c) The person's submission to the test is not an alternative to any evidentiary breath or blood test.

The administering deputy shall ensure that all biological samples obtained during the administration of the test are destroyed no later than 24 hours after collection according to office protocols for destruction of biohazardous materials. Any DNA sample data collected during the administration of the test and any test results shall not be entered or stored in any database (RCW 46.61.5062).

514.5 CHEMICAL TESTS

A person implies consent under Washington law to a chemical test or tests of the person's breath and to providing the associated chemical sample under any of the following (RCW 46.20.308):

(a) The arresting deputy has reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug.

(b) The arresting deputy has reasonable grounds to believe a person under the age of 21 was driving or in actual physical control of a motor vehicle while having a blood alcohol concentration of at least 0.02 (RCW 46.61.503).

(c) The deputy has stopped a person operating a commercial motor vehicle license (CDL) and has reasonable grounds to believe that the person was driving while having alcohol in the person’s system (RCW 46.25.120).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.5.1 BREATH TESTS

Washington State Patrol Impaired Driving Section 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 Washington State Patrol Impaired Driving Section.

Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308);RCW 46.25.120).

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514.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (RCW 46.61.506). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

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.

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).

514.5.3 STATUTORY NOTIFICATIONS

A deputy requesting that a person submit to a chemical test shall provide the person, prior to administering the test, with the mandatory warnings pursuant to RCW 46.20.308(2) or if driving a commercial vehicle the warnings pursuant to RCW 46.25.120(3).

514.6 REFUSALS

When an arrestee refuses to provide a chemical sample, deputies shall:

(a) Advise the arrestee of the requirement to provide a sample.

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

514.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who has been arrested and does not consent to a blood test when any of the following conditions exist (RCW 46.20.308; RCW 46.25.120):

(a) A search warrant has been obtained.

(b) The deputy can articulate that exigent circumstances exist.

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

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514.6.2 FORCED BLOOD SAMPLE
If an arrestee indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.

    1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

    2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

    3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.7 ARREST AND INVESTIGATION

514.7.1 WARRANTLESS ARREST
A deputy having probable cause to believe that a person is DUI may make a warrantless arrest of the person whether or not the deputy observed the violation first hand (RCW 10.31.100).

Arrests supported by probable cause for DUI are mandatory if the person has been convicted of DUI in the past 10 years or if the deputy has knowledge based on the information available to him/her that the person is charged with, or is waiting arraignment for, an offense that would qualify as a prior offense as defined by RCW 46.61.5055 if it were a conviction (RCW 10.31.100).

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514.7.2 DEPUTY RESPONSIBILITIES

If a person refuses to submit to a chemical test, or the results from the test render a prohibited alcohol or THC concentration in the person's breath or blood, the deputy shall (RCW 46.20.308(5)):

(a) Serve the notice of intention to suspend, revoke, or deny the person's license or permit to drive.

(b) Provide the person with a written notice of his/her right to a hearing before the Department of Licensing (DOL).

(c) Advise the person that his/her license or permit is a temporary license.

(d) Immediately notify the DOL of the arrest and within 72 hours transmit to the DOL a sworn report that states:

1. The deputy had reasonable grounds to believe the person was DUI.

2. After having received the required statutory warnings, the person either refused to submit to a test of his/her blood or breath or submitted to a test that rendered a prohibited alcohol or THC concentration of the person's breath or blood.

(e) Submit a sworn report to the DOL when the person has a CDL and either refused or had a test administered that disclosed a prohibited amount of alcohol or any amount of THC concentration (RCW 46.25.120(5)).

When a person is arrested for a violation of RCW 46.61.502 (DUI) or RCW 46.61.504 (Physical control of vehicle while DUI), the deputy shall make a clear notation on the report if there is a child under the age of 16 present in the vehicle and promptly notify child protective services as required in the Child Abuse Policy (RCW 46.61.507).

514.7.3 ADDITIONAL TESTING

A person submitting to a chemical test pursuant to this policy may have a qualified person of his/her own choosing administer one or more tests in addition to any administered at the direction of a deputy (RCW 46.20.308(2); RCW 46.61.506).

514.8 RECORDS SECTION RESPONSIBILITIES

The Chief of Administrative Services will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.9 ADMINISTRATIVE HEARINGS

The Chief of Administrative Services 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.

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A deputy called to testify at an administrative hearing should document the hearing date and the DOL file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

514.10 TRAINING

The Training Sergeant should ensure that deputies participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney’s office and update training topics as needed.

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Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Sheriff's Office shall only use citations that are in compliance with state law.

The Records Section shall be responsible for the supply and accounting of all traffic citations. Citation books shall only be issued to employees of this department by the Records Section or Patrol Supervisors.

Citation books may be issued to another department at the discretion of the Chief of Field Services.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to their Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Sergeant may request the Field Services Division Chief to recommend dismissal of the traffic citation. If approved, the deputy shall prepare a signed affidavit which will be forwarded to the Records Section with a request for dismissal. Records will prepare a motion to dismiss for procedural review. All defendants of traffic citations whose request for the dismissal of a traffic citation has been denied by the County shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the deputy may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Section. For tickets generated using the SECTOR system, the supervisor may review the voided citation without a copy forwarded to the Records Section.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall prepare a signed affidavit which will be forwarded to the Records Section with a request for correction. Records will prepare a motion to correct for procedural review.

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516.6 DISPOSITION OF TRAFFIC CITATIONS

All citations issued by members of this department shall be forwarded to the Records Section.

Upon separation from employment with this department, all employees issued traffic citations books shall return any unused citations to the Records Section.

516.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

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Disabled Vehicles

520.1 PURPOSE AND SCOPE

This department has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

520.2 DEPUTY RESPONSIBILITY

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

If practical, the deputy should offer assistance in transporting the disabled motorist to a location of safety.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

520.3.3 RELOCATION OF MOTORIST

The relocation of a motorist with a disabled vehicle should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

520.4 POLICY

It is the policy of the Skagit 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.

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Unauthorized 24 Hour Vehicle Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of unauthorized vehicles parked in violation of 24 hour time limitations.

524.2 MARKING VEHICLES

Vehicles left within a highway right-of-way shall be marked with a readily visible notification card. No case number is required at this time (RCW 46.55.010(14)).

The card shall contain the following information: The date and time the card was attached; The identity of the deputy; A statement that if the vehicle is not removed within twenty-four hours from the time the card is attached, the vehicle may be taken into custody and stored at the owner's expense; A statement that if the vehicle is not redeemed as provided in RCW 46.55.120, the registered owner will have committed the traffic infraction of littering -- abandoned vehicle; and The address and telephone number where additional information may be obtained. RCW 46.55.085.

If the vehicle has current Washington registration plates, the deputy shall check the records to learn the identity of the last owner of record. The deputy or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

Traffic Deputies shall be responsible for the follow up investigation of all 24-hour unauthorized vehicle violations noted on the Marked Vehicle Cards.

If the vehicle is not removed within twenty-four hours from the time the notification card is attached, any deputy may take custody of the vehicle and provide for the vehicle's removal to a place of safety. A vehicle that does not pose a safety hazard may remain on the roadside for more than twenty-four hours if the owner or operator is unable to remove it from the place where it is located and so notifies the Sheriff's Office and requests assistance.

524.2.1 VEHICLE STORAGE

A deputy may store any vehicle not removed 24 hours after marking (RCW 46.55.085(3)).

The deputy authorizing the storage of the vehicle shall complete a uniform impound authorization and inventory form. The completed form shall be submitted to the Records Section immediately following the storage of the vehicle (RCW 46.55.075(2)).

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Vehicle Seizure and Forfeiture

526.1 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).

526.1.1 AUTHORIZATION FOR SEIZURE

All seizures under this policy shall be authorized by Command Staff.

526.2 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.

526.2.1 ADMINISTRATIVE RESPONSIBILITIES

All procedures and administrative responsibilities associated with this policy are handled by the Investigation Unit.

526.3 VEHICLE SEIZURE PROCEDURES

When a deputy arrests a subject for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504), the deputy may initiate steps to seize the arrestee's vehicle under the following circumstances:

(a) The arrestee has a prior offense within seven years as defined in RCW 46.61.5055

(b) The arrestee must be provided with a office form to notify the arrestee, in writing, that it is unlawful to transfer, sell, or encumber in any way the subject's interest in the vehicle in which they were driving or had physical control when the violation occurred, and

(c) The vehicle is not a rental (RCW 46.61.5058(1)(b)).

The vehicle may be seized as provided under the authority of RCW 46.61.5058.

526.3.1 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.

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Any vehicle that is seized pursuant to any of the above subsections should immediately be impounded and held pending further court action (RCW 46.61.5058(3)).

526.4 VEHICLE FORFEITURE

It is the policy of the Skagit 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)).

526.4.1 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 Skagit 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 Skagit 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.

526.5 PROCEDURES FOLLOWING FORFEITURE

Vehicles that have been lawfully seized and through forfeit the ownership is transferred to the Skagit 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 Skagit County Sheriff's Office:

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(a) The Traffic Sergeant or his/her designee shall determine the disposition of all vehicles legally forfeited to the Skagit County Sheriff's Office. Such disposition shall be 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)).

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Chapter 6 - Investigation Operations

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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 Skagit County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the deputy shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift 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

The following custodial interrogations conducted at a place of detention (as defined by RCW 10.122.020) shall be electronically recorded (audio and video):

(a) The interrogation of a juvenile

(b) The interrogation of an adult who is suspected of a felony

The recording shall include any required warnings, advice of the rights of the individual being questioned, and waiver of rights. Consent to the electronic 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 place other than a place of detention 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.

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Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation 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. Written statements from suspects should continue to be obtained when applicable.

600.4.2 DOCUMENTATION

If a custodial interrogation at a place of detention occurs without electronically recording it 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 interrogation occurs outside a place of detention, the deputy shall complete a report as soon as practicable explaining the decision 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).

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.

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(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).

600.5 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

Deputies should include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If a deputy learns of potentially exculpatory information anytime after submission of the case, the deputy should notify the prosecutor as soon as practical.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. A deputy who is uncertain whether evidence or facts are material should address the issue with a supervisor.

Supervisors uncertain about the materiality of evidence or facts should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.

2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

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(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.

600.7 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.

600.8 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.

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).

600.8.1 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.

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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.

600.8.2 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.

600.9 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 Bureau Chief or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.10 CASE MANAGEMENT

The Investigation Unit supervisor is responsible for the proper management of all cases. The Investigation Unit supervisor or the authorized designee should use the office's case management system to screen all criminal reports for follow-up assignment or closure based on solvability factors. Solvability factors to consider include the following:

(a) Witnesses to the crime

(b) Suspect identification, description, or location

(c) Vehicle identification

(d) Motive

(e) Physical evidence

(f) Whether stolen property can be traced

(g) Other potential suspects

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Asset Forfeiture

606.1 PURPOSE AND SCOPE

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

606.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Skagit County Sheriff's Office seizes property for forfeiture or when the Skagit 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.

606.2 POLICY

The Skagit 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 Skagit County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.2.1 SPECIAL GUIDELINES APPLICABLE TO CONVEYANCES

Special guidelines apply regarding the forfeiture of conveyances (aircraft, vehicles and vessels) in order for it to be seized as a conveyance that has been used to facilitate narcotic activity. All conveyances are subject to seizure and forfeiture, except (RCW 69.50.505(1)(d)):

- When the conveyance is used by any person as a common carrier in the transaction of business as a common carrier, unless it appears that the owner or other person in charge of the conveyance is a consenting party or has knowledge of the narcotics violations.
- When violations have been committed or omitted without the owner's actual knowledge or consent.
- When the conveyance is used in the receipt of an amount of marijuana for which possession constitutes a misdemeanor under RCW 69.50.4014.
- When the conveyance is secured by a loan and the lender had no knowledge of, nor consented to, the act or omission.
- When the owner of a conveyance has been arrested for narcotics violations, the conveyance in which the person was arrested is not subject to forfeiture unless it is either seized or a court order has been issued for its seizure within 10 days of the owner's arrest.

606.3 ASSET SEIZURE

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

606.3.1 PROPERTY SUBJECT TO SEIZURE

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

(a) Real or personal property subject to forfeiture identified in a court order authorizing seizure.

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(b) Property subject to forfeiture without a court order when the property is lawfully seized incident to an arrest, the service of a search warrant, or the service of an administrative inspection warrant.

(c) Property subject to forfeiture can also be seized without a court order when:

1. There is probable cause to believe that the property was used or is intended to be used for illegal gambling (RCW 9.46.231).
2. There is probable cause to believe that the property was used or is intended to be used for the commercial sexual abuse of a minor 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.

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

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.

(b) Property from an "innocent owner," or a person who had no knowledge of the offense or who did not consent to the property's use.

(c) No vehicle or other conveyance based on a misdemeanor involving 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).

606.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The deputy seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

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Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping, or released to the owner in the field prior to seizure of the vehicle.

606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

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

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

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

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

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

606.5 MAINTAINING SEIZED PROPERTY

The Evidence Room 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.

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606.6 FORFEITURE REVIEWER

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

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly those cited in this policy and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Office and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.

(d) Deciding whether the 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. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.

(g) Ensuring that deputies who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.

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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 supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to deputies.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan is available that enables the Sheriff to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to the office's regular inventory is in accordance with all applicable laws and consistent with the office's use and disposition of similar property.

(k) Upon completion of any forfeiture process, ensuring that no property is retained by the Skagit County Sheriff's Office unless the Sheriff authorizes in writing the retention of the property for official use.

(l) Addressing any landlord claims for reimbursement through forfeited assets or damage to property (RCW 9.46.231; RCW 69.50.505).

(m) Compensating victims of commercial metal crimes within 120 days (RCW 19.290.230).

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

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

606.7 DISPOSITION OF PROPERTY

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

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Informants

608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Skagit County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Skagit County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

608.2 POLICY

The Skagit County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

(a) Informant's name and/or aliases.

(b) Date of birth.

(c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.

(d) Current home address and telephone numbers.

(e) Current employer(s), position, address(es) and telephone numbers.

(f) Vehicles owned and registration information.

(g) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area with the appropriate division chief or their designee. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Sheriff, a Division Chief, the Narcotics Unit Supervisor, or their designees.

608.3 USE OF INFORMANTS

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608.3.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

608.3.2 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

608.3.3 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable

(d) The Sheriff or the authorized designee

608.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Bureau Chief, SCIDU supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Skagit County Sheriff's Office, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.

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 SCIDU supervisor.

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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 SCIDU supervisor.

1. Deputies may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

608.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of a deputy.

(c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

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608.5 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 SCIDU supervisor will discuss the above factors with the Field Services Bureau Chief and recommend the type and level of payment subject to approval by the Sheriff.

608.5.1 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 SCIDU buy/expense fund.

1. The SCIDU 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 County Commissioners are required for disbursement of the funds.

(c) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include the following:
   (a) Date
   (b) Payment amount
   (c) Skagit 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.

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608.5.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

608.5.3 AUDIT OF PAYMENTS

The SCIDU supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Eyewitness Identification

611.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this office employ eyewitness identification techniques.

611.1.1 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.

611.2 POLICY

The Skagit 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.

611.3 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.

611.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigation 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.

611.5 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.

611.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

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Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating deputy should contact the appropriate prosecuting attorney before proceeding.

611.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the deputy should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, deputies should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person should not be shown to the same witness more than once.

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(f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.

(g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies an individual as the perpetrator, deputies should not conduct any further field identifications with other witnesses for that suspect. In such instances deputies should document the contact information for any additional witnesses for follow up, if necessary.

611.6 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.

611.7 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.

611.8 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.

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Eyewitness Identification

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.

(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.

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Unmanned Aerial System

612.1 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.

612.1.1 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.

612.2 POLICY

A UAS may be utilized to enhance the office's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

612.3 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.

612.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for office operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.

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- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

612.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

612.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

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- 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.

612.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

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Sexual Assault Investigations

613.1 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.

613.1.1 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.

613.2 POLICY

It is the policy of the Skagit 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.

613.3 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.

613.4 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Skagit 911, should be the health and safety of the victim, the preservation of evidence, and

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preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim Witness Assistance Policy.

613.4.1 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Skagit 911, 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.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims are often reluctant or embarrassed to discuss details. Recanting or changing one or more aspects of a prior statement is not necessarily an indication of false reporting or that the case is unfounded. If the responding deputy has reason to believe the incident may be without merit, he/she should document the evidence and inconsistencies. Due to physical and emotional trauma, and the myths and stereotypes associated with sexual assault, inconsistencies in the victim's report are not uncommon. No opinions of whether the case is unfounded shall be included in the report.

613.4.2 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).

613.4.3 VICTIM CONFIDENTIALITY

A victim who seeks to have his/her address remain confidential should be referred to the Office of the Secretary of State to submit an application to participate in the address confidentiality program (RCW 40.24.030).

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Information identifying a child victim under the age of 18 is confidential and not subject to release to the press or public without the permission of the child or the child's legal guardian unless allowed by law and as provided in RCW 10.97.130. Identifying information includes the child's name, address, location, photographs and the relationship of the child victim in cases where the alleged perpetrator is a relative or stepparent (RCW 10.97.130).

613.4.4 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).

613.4.5 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, it is critical to the investigation that a urine sample from the victim be collected by a medical professional.

If resources allow, kits or biological evidence from all rape cases, including cases where the suspect is known by the victim, should be submitted for biological testing.

All evidence from cases where the suspect is a stranger to the victim shall be transmitted in a timely manner to the proper forensics lab for processing all relevant biological evidence.

613.4.6 SUBMISSION OF SEXUAL ASSAULT EXAMINATION KITS

Sexual assault examination kits shall be submitted to an approved lab within 30 days with a request for testing prioritization when an adult victim has consented to the submission or the victim is an unemancipated person 17 years of age or younger (RCW 70.125.090).

613.4.7 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 Investigation Unit supervisor.

Classification of a rape case as unfounded requires the Investigation 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,

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there must be corroborating evidence to support the recanted information before the case should be determined as unfounded.

613.4.8 AUDITING CASE DISPOSITIONS
The Investigation Unit supervisor will ensure case dispositions are reviewed on a periodic basis.

613.4.9 STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM
Members investigating a sexual assault should ensure that that biological evidence is tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.0001; RCW 36.28.0001).

613.5 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 Investigation 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.

613.6 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim's response to trauma.

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.
7. The course provided by the Washington State Criminal Justice Training Commission on investigating sexual assault and other gender-based violence cases developed pursuant to RCW 43.101.272. Qualified investigators and the Investigation Unit supervisor shall complete this course within a year of assignment.

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8. Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

613.7 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).

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Brady Material Disclosure

614.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

614.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Skagit County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

614.2 POLICY

The Skagit 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 Skagit 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.

614.3 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.

614.4 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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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.

614.5 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).

614.6 TRAINING

Office personnel should receive periodic training on the requirements of this policy.

614.7 BRADY PROCESS

The Sheriff shall select a member of the Office to coordinate requests for *Brady* information. This person shall be directly responsible to the Administrative Services Bureau Chief or the authorized designee.

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

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(a) Working with the appropriate prosecutors' offices and the County Prosecutor's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure (RCW 10.93.180).

(b) Reporting to the appropriate prosecutor of any jurisdiction where a deputy may testify (RCW 10.93.180):

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.

2. Information about a newly hired deputy with a prior potential impeachment disclosure within 10 days of hiring.

(c) Maintaining a current list of members who have *Brady* information in their files or backgrounds.

1. Updating this list whenever potential *Brady* information concerning any office member becomes known to the Office or is placed into a personnel or internal affairs file.

614.8 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

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Forensic Genetic Genealogy

615.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

615.1.1 DEFINITIONS

Definitions related to this policy include:

Combined DNA Index System (CODIS) - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

DNA typing laboratory - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

Extracted DNA - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

Forensic genetic genealogy (FGG) - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

Genetic genealogist - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

Genetic genealogy site - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

Short tandem repeat (STR) DNA profile - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

Single nucleotide polymorphism (SNP) DNA profile - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

615.2 POLICY

The Skagit County Sheriff's Office's use of FGG will only applied inqualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable steps to maintain the integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

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615.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

(a) Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:

1. The perpetrator of an unsolved violent felony.
2. Unidentified human remains.

(b) Reasonable conventional investigative methods have been considered or are pending.

(c) An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

615.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the Skagit County Coroner.

615.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Office in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated. The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Office.

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615.6 ANALYSIS OF FGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

(a) Eliminate an individual as a potential suspect in the case.

(b) Link an individual to the case as a potential suspect.

(c) Identify human remains.

615.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

615.8 POST-IDENTIFICATION

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

(a) Consult with the prosecutor to evaluate the case for consideration of criminal charges or further investigation.

(b) If applicable, consult with the Skagit County Coroner.

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615.9 PRIVACY CONSIDERATIONS

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

615.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the property and evidence technician and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Property and Evidence Policy for guidelines regarding biological evidence, including DNA samples.

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Chapter 7 - Equipment

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Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Chief, 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 Risk Management.

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The Employer shall pay for repair or replacement of employee's personal property reasonably and necessarily worn or carried when such property is stolen, damaged, or destroyed as a direct result of the employee's performance of his official duties. Payment shall not be approved if the willful negligence or wrongful conduct of the employee was a contributing factor to the loss. Reimbursement for repair or replacement of personal property shall not exceed $500 per employee, per occurrence.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, personal recording devices, 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 or private property, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Chief.

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Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs) wireless capable tablets and similar wireless two-way communications and/or portable internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the internet.

702.1.1 PRIVACY POLICY

Any employee utilizing any computer, internet service, phone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

702.2 POLICY

The Skagit 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- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

702.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own individually owned PCD while on duty (unless prohibited by Division policy), subject to the following conditions:

(a) Carrying an individually owned personal communication device is optional.

(b) The device shall be purchased, used and maintained at the employee's expense.

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(c) Any loss or damage of an individually owned personal communication device will be at the employee's expense.

702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCDs, whether provided by the Department or personally owned, should only be used by on-duty employees for legitimate department business except as provided for below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. PCDs however, should not be used to replace regular radio communications.

(a) PCDs may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (e.g. inform family of extended hours). While employees may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.

(b) Extended or frequent use of departmentally issued or personally owned PCDs while on duty for personal use is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the Department for any charges incurred as a result of personal use.

(c) Use of PCDs to receive, transmit, or store inappropriate images (except as approved by a supervisor for legitimate department business), while on duty for personal use, is prohibited and may be subject to discipline. Examples of inappropriate images include but are not limited to; nudity, racially offensive and/or harassing photos or depictions.

702.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Deputies should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their communication (RCW 46.61.667).

Except in the case of an emergency employees who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving unless the telephone is specifically designed and configured to allow hands-free listening and talking. Such use should be restricted to business related calls or calls of an urgent nature.

702.2.4 OFFICIAL USE

The use of personal communication devices may be appropriate the following situations:

(a) Barricaded suspects.

(b) Hostage situations.

(c) Mobile Command Post.

(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

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(e) Major political/community events.

(f) Investigative stakeouts where regular phone usage is not practical.

(g) Emergency contact with outside agency or outside agency field unit equipped with PCDs.

(h) When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available.

702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Office and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. 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 PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for office-related business or when the use reasonably implicates work-related misconduct.

702.4 OFFICE-ISSUED PCD

Depending on a member’s assignment and the needs of the position, the Office may, at its discretion, issue or fund a PCD for the member’s use to facilitate on-duty performance. Office-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Sheriff or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.

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(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 Skagit 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 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.

702.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct office business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

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(c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official office business. Disclosure of any such information to any third party through any means requires the express authorization of the Sheriff or the authorized designee.

(f) Members will not access social networking sites for any purpose that is not official office business. This restriction does not apply to a personally owned PCD used during authorized break times.

(g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISOR RESPONSIBILITIES

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

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member’s personally owned device, supervisors should consult with the Sheriff or the authorized designee.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles other than authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use and the use complies with RCW 46.61.672. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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702.9 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.

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Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

704.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 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
- 2 Sticks yellow crayon or chalk
- 1 Roll barricade tape
- 1 First aid kit
- 1 Fingerprint kit
- 1 Fire extinguisher

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- Personal Protective Equipment per the Communicable Diseases and Body Armor policies

704.3.2 UNMARKED VEHICLES
An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll barricade tape
- 1 First aid kit
- 1 Fingerprint kit
- 1 Fire extinguisher
- Personal Protective Equipment per the Communicable Diseases and Body Armor policies

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Vehicles shall only be refueled at an authorized location.

704.5 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 this matter.

704.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the “out of service” placards or light-bar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure office vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of office vehicles and shall not be construed to create or imply any contractual obligation by the County of Skagit County 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.

706.2 POLICY

The Skagit County Sheriff's Office provides vehicles for office-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments and other considerations.

706.2.1 SHIFT ASSIGNED VEHICLES

Employees 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. A thorough inspection of the vehicle interior shall be completed before and after transporting any prisoner. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

706.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Vehicle Fleet Manager of the reasons for use and a notation will be made on the Vehicle Sign-out List in the Shared File, indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives), or to Evidence Room personnel assigned transportation duties to and from the maintenance yard, etc.

706.2.3 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

706.2.4 AUTHORIZED PASSENGERS

Personnel operating department owned vehicles shall not permit persons other than County employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle.

706.2.5 PARKING

County owned vehicles should be parked in their assigned areas. Employees shall not park privately owned vehicles in any stall assigned to a County owned vehicle or in other areas of the

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parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.2.6 INSPECTIONS
The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

706.3 USE OF VEHICLES

706.3.1 OTHER USE OF VEHICLES
Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift Sergeant. A notation will be made on the shift assignment roster indicating the member’s name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

706.3.2 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 shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this office should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

All office vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.3.3 SECURITY AND UNATTENDED VEHICLES
Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

706.3.4 MOBILE DATA TERMINAL
Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working

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MDT, the member shall notify Skagit 911. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

706.3.5 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Bureau Chief approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

706.3.6 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

706.3.7 AUTHORIZED PASSENGERS

Members operating office vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

706.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any office vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

706.3.9 PARKING

Except when responding to an emergency or when urgent office-related business requires otherwise, members driving office vehicles should obey all parking regulations at all times.

Office vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to office vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

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706.3.10 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 prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

706.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Office vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

706.4.1 KEYS

All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

706.4.2 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other office members at the discretion of the Sheriff or the authorized designee.

706.4.3 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Department.

(b) Other reasonable transportation options are not available.

(c) The member lives within Residency Requirements Policy.

(d) Off-street parking will be available at the member’s residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be safely secured when in the vehicle.

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706.4.4 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the County of Skagit County is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County of Skagit County may be required to secure the vehicle at a designated location or the Department at the discretion of the Sheriff.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Sheriff or a Bureau Chief gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. In circumstances when a member has been placed on call by the Sheriff or Bureau Chiefs and there is a high probability that the member will be called back to duty.
2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
3. When the member has received permission from the Sheriff or Bureau Chiefs.
4. When the vehicle is being used by the Sheriff, Bureau Chiefs or members who are in on-call administrative positions.
5. When the vehicle is being used by on-call investigators.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
2. All weapons shall be secured while the vehicle is unattended.
3. All department identification, portable radios and equipment should be secured.

(g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Sheriff or the authorized designee. All firearms and kinetic impact weapons shall be properly secured. (see the Firearms Policy regarding safe storage).

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(h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and maintenance of the vehicle.

706.4.5 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Skagit County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their office-issued identification. Deputies should also ensure that office radio communication capabilities are maintained to the extent feasible.

706.4.6 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Office. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the office supervisor in charge of vehicle maintenance.

(d) The Office shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

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706.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various bureaus and their use is restricted to the respective bureau and the assigned member, unless otherwise approved by a supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the bureau for that purpose. Any use of unmarked vehicles by those who are not assigned to the bureau to which the vehicle is assigned shall also be recorded with the Shift Sergeant on the shift assignment roster.

706.6 DAMAGE, ABUSE, AND MISUSE

When any office vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any office vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format, and forwarded to the Shift Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

706.6.1 ACCESSORIES AND/OR MODIFICATIONS

706.6.1 ACCESSORIES AND/OR MODIFICATIONS No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without permission from the Vehicle Fleet manager. No personally owned items such as decals, stickers or other unapproved items may be attached to any departmentally owned vehicle without the permission of the Sheriff. Currently the only approved item is the U76 "In memory of Anne Jackson" decal which may be affixed in the corner of the rear window of patrol vehicles.

706.7 TOLL ROAD USAGE

Authorized on-duty emergency vehicles are exempt from incurring toll road charges. An authorized emergency vehicle is an on-duty vehicle of the Office which is equipped with emergency lights and siren and used to respond to emergency calls (WAC 468-270-030; WAC 468-270-085; WAC 468-270-105).

To avoid unnecessary toll road charges, all members operating office vehicles on a toll road shall adhere to the following:

(a) Members operating office vehicles that are not authorized emergency vehicles shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.

(b) Members in unauthorized vehicles passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Bureau Chief within five working days explaining the circumstances.

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706.7.1 VEHICLE ACCIDENT REVIEW BOARD

An Office Review Board may be created in order to investigate the non-criminal motor vehicle operation by an employee of this Office.

1. The Board shall be composed of three (3) full time employees of the Sheriff's Office. A. The Sheriff shall select one (1) member, not on probation, which is of equal or greater rank than the involved employee. B. The member selected by the Sheriff shall be the chairperson of the Board. C. The involved employee shall select one (1) member, not on probation, from the ranks of the office. D. A third member, not on probation, will be chosen by consensus of the two (2) previously chosen members.

2. The Board members will not have been directly involved in the incident under investigation. 3. The Sheriff will not serve as a member of the Review Board, regardless of the rank of the involved employee.

706.7.2 OBJECTIVES OF THE BOARD

The Board shall examine all available evidence of the alleged violation or incident and make a determination of fact based upon the evidence reviewed. The findings of the Review Board will then be forwarded to the Sheriff. A record of the evidence and materials used will accompany the Board's findings.

The Board will review all motor vehicle accidents brought before it and make a finding by a simple majority vote as to whether the accident is preventable or non-preventable. A. PREVENTABLE: Any accident involving an office owned or operated vehicle which results in property damage or personal injury regardless of who was injured, what property damaged or where it occurred in which the driver in question failed to exercise reasonable precaution to prevent the accident. B. NON-PREVENTABLE: All other accidents involving office owned or operated vehicles will be deemed to be non-preventable.

706.7.3 OPERATION OF THE BOARD

Any office employee having a vehicular accident to be reviewed by the Board will be notified in writing at least seven (7) calendar days prior to the meeting of the Board. The notice will include the date, time and location of the Review Board meeting and will briefly outline the incident/accident to be reviewed. The employee may request a continuance of the hearing to secure more information on the matter under review. A continuance shall not extend the hearing beyond thirty (30) days from the date of the original hearing.

The employee having an incident/accident reviewed can be ordered to appear before the Board to discuss the incident/accident. The Board shall review evidence from reports, witnesses, photographs, maps, drawings, recordings, etc. The witnesses testifying before the Board will do so one at a time and will be out of hearing of other witnesses. The Board shall be required to keep a record of evidence, ask questions of all witnesses to clarify testimony or to seek facts not known by the Board members. All witnesses will be truthful. However, no oath will be taken.

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The chairperson will decide any question of procedure or acceptability of evidence. He shall also decide the relevancy of a question. The employee may ask any willing member of the office for assistance in bringing additional information to the attention of the Review Board. Every endeavor must be made to conduct hearings in privacy, in a business-like manner as efficiently as possible. No statement made by the employee shall be used against him in a criminal prosecution when such statement has been made to a Review Board pursuant to department direction. After the Board has heard all the evidence, all witnesses will leave the presence of the Board.

The Board will discuss all evidence heard and review their individual findings. Each member of the Board will have one vote and no member's vote will carry more weight than another's. The Review Board's determination on the matter under review shall be advisory only to the Sheriff. Within three (3) days of the conclusion of the testimony, the Review Board's finding will be forwarded to the Sheriff in writing. A copy of this report will also be made available to the employee whose incident/accident was reviewed. The report will contain the following information:

A brief outline of the facts of the incident/accident.

B. A determination as to whether the incident/accident was justifiable, unjustified, preventable, non-preventable, or if negligence was involved.

The Board may include suggestions or recommendations to the Sheriff as to how to correct or prevent the incident/accident from reoccurring in the future. These suggestions or recommendations may include but are not limited to, additional training, counseling, equipment deficiency, etc. The Board will not make a recommendation as to possible discipline for the employee.

The Sheriff shall notify the concerned employee of the Review Board findings within three (3) days. Upon receipt of the written report of the Review Board the Sheriff may:

A. Accept the findings of the Review Board,

B. Reject the findings of the Review Board,

C. Direct additional investigation,

D. Remand the incident/accident back to the Office Review Board indicating the area of concern or additional evidence to be considered.

If the employee feels that the decision of the Office Review Board was incorrect he or she may appeal the findings. The employee may appeal the decision directly to the Sheriff in writing within five (5) business days presenting the reason for the appeal. If the Sheriff upholds the decision and the employee still feels that the decision is incorrect, he or she may further appeal by contacting their bargaining unit, Civil Service Commission or County Personnel Department.

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Cash Handling, Security and Management

707.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

707.2 POLICY

It is the policy of the Skagit County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

707.3 PETTY CASH FUNDS

The Sheriff shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

707.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

707.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Sheriff, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Sheriff.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Sheriff or the County.

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707.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or SCIDU supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

707.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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Personal Protective Equipment

708.1 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.

708.1.1 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.

708.2 POLICY

The Skagit County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

708.3 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.

708.4 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.

708.5 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.

708.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds 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 as required by any collective bargaining agreement.

708.7 RESPIRATORY PROTECTION

The Administrative Services Bureau Chief 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.

708.7.1 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.

708.7.2 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.

708.7.3 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.

708.7.4 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.

708.7.5 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.

708.7.6 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.

708.8 RECORDS
The Training Sergeant 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.

708.9 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).

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Chapter 8 - Support Services

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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.

800.1.1 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.

800.2 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. A MasterProperty form must be submitted. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. A Release and Receipt form must be completed to document the release of property not booked and the owner should sign the form acknowledging receipt of the item.

800.2.1 PROPERTY BOOKING PROCEDURE

The employee who first comes into possession of any property must book the property and place the property under the control of the Evidence Room prior to the employee going off-duty. Employees booking property shall observe the evidence packaging procedures (maintained by the detective sergeant) and the following guidelines:

(a) Complete the Master Property form describing each item of property separately, listing all serial numbers, owner's name, and other identifying information or markings.

(b) Mark each item of evidence using an evidence tag that includes booking employee's name, case number, item number and the date booked using the appropriate method so as not to deface or damage the value of the property.

(c)

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(d) Place the case number on the packaging using permanent marker.

(e) The original Master Property form shall be submitted electronically or with the evidence item.

(f) When the property is too large to be placed in the evidence pass-through, the item may be retained in the evidence drying room or outside secure evidence storage area.

800.2.2 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Sergeant. An explosives disposal unit will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the sheriff's facility. Only fireworks that are considered stable and safe and road fuses (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 proper disposal, generally transferring property to an explosives disposal unit, as approved by the bureau chief, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

Flammable liquids and vape pens will be stored according to WAC 296-155-270.

800.2.3 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.

(b) All cash shall be counted in the presence of another deputy or property officer and the envelope initialed by the booking deputy and a second deputy or property officer. The Shift Sergeant shall be contacted for cash in excess of $1,000 for special handling procedures.

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.

800.2.4 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.

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(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 Chief of Administrative Services for timely filing with the court (RCW 7.105.340).
2. When practicable, the receipt should include a description of the condition of the firearm and the signature of the restrained person as an acknowledgement of surrender and condition of the firearm.

(e) Check WACIC/NCIC and other appropriate databases to determine if the firearm has been reported stolen.

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).

800.2.5 FOUND PROPERTY

Found property surrendered to the Office shall be handled as required by RCW 63.21.050.

800.3 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.

800.3.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

800.3.2 PACKAGING NARCOTICS

The deputy seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated lockers. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the deputy'sreport. All narcotics and dangerous drug evidence packaging/weighing shall be witnessed.

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Narcotics and dangerous drugs shall be packaged in packaging of appropriate size available in the evidence lab. The booking deputy shall initial the sealed package. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container.

800.4 RECORDING OF PROPERTY

The property and evidence technician receiving custody of evidence or property shall record the date and time the property was received and where the property will be stored in the computer record.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and entered into the computer record.

Any changes in the location of property held by the Skagit County Sheriff's Office shall be noted in the computer record.

800.5 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 computer record. Deputies desiring property for court shall contact the property and evidence technician at least one day prior to the court day.

800.5.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the computer record shall be completed to maintain the chain of possession. No property or evidence is to be released without appropriate authorization.

Request for analysis for items shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out any time after booking of the property or evidence.

800.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, and the property officer will update the chain of custody record.

The property and evidence technician releasing the evidence must complete the required information on the chain of custody record. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the deputy or member will record the delivery time on the lab form, and indicate the employee to whom it was delivered. The original copy of the lab form will remain with the lab and a copy will be returned to the property officer for updating the chain of custody record and Records Section for filing with the case.

800.5.3 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 on the chain of custody record, stating the date, time, reason, and to whom released.

Any employee receiving property shall be responsible for it until it is returned to evidence.

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The return of the property should be recorded on the chain of custody record, indicating date, time, and the person who returned the property.

800.5.4 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.

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.

800.5.5 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Investigation Unit 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.

800.5.6 PROPERTY DEPICTING A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT

No property or material that depicts a minor engaged in sexually explicit conduct shall be copied, photographed, or duplicated. Such material shall remain under the control of this office or the court and shall be made reasonably available for inspection by the parties to a criminal proceeding involving the material. The defendant may only view these materials while in the presence of his/her attorney or an individual appointed by the court either at this office or a neutral facility as approved by the court (RCW 9.68A.001). Any request for inspecting such material should be brought to the attention of the assigned investigator or an investigation supervisor.

800.5.7 RELEASE OF PROPERTY

The Skagit 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 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

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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 Evidence Room. Upon release, the proper entry shall be documented in the Property Log.

800.5.8 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.

800.5.9 DESTRUCTION OF NARCOTICS OR CONTRABAND

The Criminal InvestigationsBureau Chief or the authorized designee shall establish procedures for the safe destruction of narcotics and dangerous drugs, contraband, and other illegal items.

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Documentation of destruction shall be maintained in accordance with the established records retention schedule.

800.6 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).

800.6.1 DNA WORK PRODUCT EVIDENCE

The property and evidence technician shall ensure that no DNA work product evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor and Attorney General

(d) Any sexual assault victim

(e) The Criminal Investigations Bureau Chief

DNA work product 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 DNA work product evidence should be retained in the appropriate file and a copy forwarded to the Criminal Investigations Bureau Chief.

DNA work product 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.

DNA work product 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 Criminal Investigations Bureau Chief should be consulted.

800.6.2 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):

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(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 9.41.040

(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).

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.

800.6.3 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 restrained 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 has provided written verification to the court that they will store the firearm in a manner that prevents the restrained person from access (RCW 7.105.340).

800.6.4 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-

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month suspension period has expired or the person's right to possess firearms has been restored, whichever is sooner (RCW 71.05.182).

800.6.5 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).

800.6.6 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.

(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.

Notification shall not be made to any other person except for other law enforcement agencies. Any information provided by a person requesting notification, including the fact of the request itself, shall be considered confidential and not subject to public disclosure.

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).

800.6.7 DISPOSITION OF FIREARMS FROM BUYBACK PROGRAMS

The Criminal Investigations Bureau Chief should develop procedures for the office's handling of firearms obtained from a firearm buyback program, including, at a minimum (RCW 9.41.098):

(a) Destroying firearms, except as limited by RCW 9.41.098.

(b) Returning relinquished firearms that are verified to be stolen to the rightful owner.

(c) Determining whether any relinquished firearms have been used in the commission of a crime and retaining and storing such firearms until no longer needed for investigation or evidence purposes.

800.6.8 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 Evidence Room) during the prior year.

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800.6.9 RETURN OF CONCEALED PISTOL LICENSES
Prior to the return of a surrendered concealed pistol license, the property and evidence technician shall confirm that the licensee is eligible to possess a firearm under state and federal law (RCW 9.41.070). Upon confirmation that the individual is eligible to possess a firearm, the concealed pistol license shall be released to the individual or authorized representative upon request without unnecessary delay, and in no case no later than five business days from the confirmation.

800.7 INSPECTIONS, INVENTORIES, AND AUDITS OF THE EVIDENCE ROOM

(a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the property and evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) An annual unannounced audit of property and evidence, including drugs, money, jewelry, and firearms, shall be conducted by a Bureau Chief (as appointed by the Sheriff) not routinely or directly connected with evidence control.

(c) Whenever a change is made in personnel who have access to the Evidence Room, a full inventory of sensitive items, including drugs, money, jewelry, and firearms, shall be made by an individual not associated with the Evidence Room or its function to ensure that records are correct and all property is accounted for.

800.8 EVIDENCE TECHNICIAN
The essential functions of the Property and Evidence Technician is to assist law enforcement officers in processing, handling, recording and bringing in property and evidence.

Property and evidence technicians are responsible for the organization and management of evidence/property and of the property and evidence facility.

800.8.1 EVIDENCE TECHNICIAN CALLOUT
The Evidence Technician is available to assist at both minor and major crime scenes with the processing and collection of evidence. If a crime scene that is extensive, the Evidence Technician may be called to assist. A shift supervisor can make direct contact with the Evidence Technician during regular business hours, to coordinate the assist.

800.9 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.

800.10 EVIDENCE ROOM SECURITY
Access to the Evidence Room is restricted to authorized office personnel only. It shall be the responsibility of the property and evidence technician to control all access to the Evidence Room.

The property and evidence technician shall maintain a log of all persons entering the secured area of the Evidence Room. Personnel, other than those assigned to the Evidence Room, who have legitimate business in the secured area will be required to record their name, the date, time, and purpose for entry.

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800.10.1 CONTROLS AND ALARMS
The Evidence Room permanent storage areas shall have controls to keep property protected from unauthorized entry, fire, moisture, extreme temperature, and pests. Alarms for unauthorized entry and fire shall be monitored at all times.

800.11 POLICY
It is the policy of the Skagit County Sheriff's Office to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

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Records Section

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Skagit County Sheriff's Office Records Section. The policy addresses office file access and internal requests for case reports.

802.2 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high 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 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. Access to case reports or files when Records Section staff is not available may be obtained through the Shift Sergeant.

The Records Section will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

802.2.1 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 Chief of Administrative Services. 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.

802.2.2 RECORDS CONCERNING JUVENILES

The Chief of Administrative Services Designee 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 Chief of Administrative Services shall ensure that all records pertaining to that juvenile are destroyed within 30 days.

802.2.3 RESPONDING TO REQUESTS FOR IMMIGRATION INFORMATION

Office personnel shall not share, provide, or disclose personal information about any person to anyone engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, without a court order or judicial warrant requiring the information's disclosure, except that the Office shall provide all records as required under the Public Records Act, chapter 42.56 RCW. Public records requests shall be processed pursuant to Office procedures by the Office's Public Records Officer or designee. Any Office personnel receiving a

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public records request shall forward the request to the Office's Public Records Officer and notify the Sheriff or their authorized designee.

Office personnel shall not provide or disclose information in response to any notification request or other immigration enforcement related request for information regarding a person's release date from custody without a court order or judicial warrant, except that the Office shall provide all records as required by the Public Records Act, chapter 42.56 RCW, in response to any qualifying request.

If Office personnel receive a court order or judicial warrant that mandates the sharing of information regarding a person's immigration or citizenship status, Office personnel shall provide the information as required by the court order or judicial warrant. Any Office personnel who shares or discloses a person's immigration or citizenship status to any person engaged, or intending to engage, in immigration enforcement, including a federal immigration authority, shall immediately notify the Sheriff or authorized designee of the information provided, reason for sharing said information, and identity of the person and agency to whom the information was shared.

a. The Sheriff or authorized designee shall log all instances of Office personnel sharing any person's immigration or citizenship status with a person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, with the basis for sharing the information. The log shall be a public record and shall be made publicly available except that information may be redacted or withheld as permitted by the Public Records Act.

802.3 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)

ACCESS is a computer-controlled communications system located at the WSP Information Technology Division. ACCESS provides service to all the state and national information systems. The Chief of the WSP is vested with the authority to administer all operating phases of ACCESS and the Washington Crime Information Center (WACIC). There are specific requirements for agencies accessing the information in the group of computer systems in ACCESS.

802.3.1 ACCESS USE REQUIREMENTS

No member of the Skagit County Sheriff's Office shall operate any of the ACCESS systems without first complying with the training requirements as listed in the ACCESS manual.

802.3.2 ACCESS REQUIREMENTS

As an authorized ACCESS user, the Skagit County Sheriff's Office complies with all of the following ACCESS requirements:

- Warrant entry
- Receiving information from outside agencies
- Recording information
- Verifying information

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- Canceling information
- Providing 24-hour access to agency warrants

It is the responsibility of the Chief of Administrative Services to ensure that all ACCESS computer and network security requirements are in place and operational.

802.4 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.

(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 Skagit County Sheriff's Office, it is the responsibility of the Chief of Administrative Services 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.

802.4.1 OFFICER SAFETY ADVISORIES IN CAD
806.4.1 OFFICER SAFETY ADVISORIES IN CAD

Officer Safety Advisories entered in the departmental data base (CAD) and are intended to provide protection to police, corrections, or other criminal justice officers. Individuals who represent

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a potential threat to deputies may have an Officer Safety Advisory entered in the data base 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:

(a) Any physical assault or attempted assault where the subject is booked for assault or charges are later filed by the prosecutor's office.

(b) Threats of physical violence toward an officer or his/her family. Discretion should be used with resisting arrest unless assaultive or combative behavior is demonstrated.

(c) Threats of suicide by cop: Information such as a mental health report will be acceptable.

Deputies who encounter a person who he/she believes is a threat to officer safety should submit a report detailing the circumstances of the contact and nature of the threat for entry as an Officer Safety Advisory.

All Officer Safety Advisories are subject to approval by the Sheriff or his/her designee.

Once approved, the Records Section is responsible for making the appropriate entry into the data base.

Whenever an Officer Safety Advisory is initiated by the Skagit County Sheriff's Office, it is the responsibility of the Records Supervisor 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.

802.5 COURT ORDERS

This section outlines the responsibilities and timelines required in state law to process a Protection Order, enter an order into law enforcement databases, and revoke any CPL issued to the respondent. Law enforcement agencies should consider the processing and entry of orders into computer systems as the first step in the service and enforcement of the order. Timely entry into law enforcement databases is key to swift intervention that will prevent acquisition of additional firearms and ensure temporary relinquishment of firearms already in the restrained person's possession.

Receipt Starts the Clock:

Protection Orders are intended to provide a fast, efficient means to obtain legal protection to prevent and respond to abuse, violence, harassment, stalking, neglect, or other threatening behavior by perpetrators. There is a heightened risk of harm when a person is attempting to leave an abusive relationship and/or is reaching out to the court for protection.

Under state law, the service of a Protection Order must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature; when personal

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service is required by law enforcement, the first attempt must occur within 24 hours of receiving the order from the court.

The intent is to take action to implement the protections as ordered by the court to reduce harm as quickly as possible. The law enforcement agency receiving, processing, entering the order, and revoking any CPL is the critical first step.

It is recommended that the receipt, processing, entry of orders, and CPL revocation be directly assigned to specific personnel within the agency. Each of these steps are time sensitive.

A copy of the Protection Order, including Temporary Protection Orders, must be forwarded immediately by the clerk of the court, by electronic means, if possible, to the law enforcement agency specified in the order. However the order is transmitted from the court to the law enforcement agency, there should be a receipt system or other tracking documentation.

Entry of Protection Order Data: Under the provisions of RCW 7.105.325:

- The clerk of the court shall enter Protection Orders, including Temporary Protection Orders, into the statewide judicial information system on the same day such order is issued, when possible, but no later than the next judicial day.
- After entry, a copy of the Protection Order must be forwarded immediately by the clerk of the court (by electronic means, when possible) to the law enforcement agency specified in the order.
- Upon receipt of the order, the law enforcement agency shall immediately enter the order via ACCESS into WACIC NCIC. The order must remain in WACIC NCIC until the expiration date specified on the order. The expiration date of the order (unless permanent) will cause the order to auto-purge from WACIC NCIC system; agencies will receive an electronic warning shortly prior to the auto-purge.
- When the court issues an order that prohibits the respondent from possessing or purchasing a firearm, the law enforcement agency shall also enter the order into WACIC NCIC.
- The order must remain in each database for the period stated in the order, and the law enforcement agency shall only clear or cancel orders from the systems when the orders are expired or terminated. Orders are entered in WACIC NCIC.
- The information entered in WACIC NCIC must include notice to law enforcement on whether the order was personally served, served by electronic means, served by publication, or served by mail. For this to occur, the agency must update the original WACIC NCIC order entry to indicate when the order was actually served on the respondent. The confirmation of service provides proof that the respondent is aware of the provisions of the order under criminal penalties.
- Entry into WACIC NCIC constitutes notice to all law enforcement agencies of the existence of the order, including that the order was served. The order is fully enforceable in any county in the state.
- If a law enforcement agency receives a protection order for entry or service, but the order falls outside the agency's jurisdiction, the agency may enter and serve the order

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or may immediately forward it to the appropriate law enforcement agency for entry and service and shall provide documentation back to the court verifying which law enforcement agency has entered and will serve the order.

Preparing the Order for Service:

The processing and entry of the order is the first step for the law enforcement agency in preparing to serve and possibly later enforce the Protection Order.

It is critical to review the order and develop a plan for service before the actual service is attempted in the field.

Records personnel shall carefully review all the court documents for completeness, including whatever relevant information was noted on the Law Enforcement and Confidential Information (LECIF) form by the petitioner.

The LECIF is confidential, not a public record, and must not be served upon or shown to the respondent. It includes detailed information on the respondent; locations where the respondent can be served; known disabilities, hazards, and weapons of the respondent; the relationship between the parties and whether they are still co-habituating; details on the protected person and contact information (including address, email, and phone); details on any minors referenced in the order; a listing of other protected household members or adult children; and details about parents/guardians if the respondent is a juvenile.

Review of the LECIF should be conducted well before the service of the order, and the petitioner should be called (using the contact information listed on the form) to clarify any questions, concerns identified by the law enforcement agency, and/or to gauge the expected demeanor and potential reaction of the respondent upon service of the order.

If the surrender of firearms is ordered, such as in an ERPO or OTSPW, prior to service, the law enforcement agency should conduct a search of available records related to firearms purchases (WADOL or Pawn records) or ownership by the respondent, in addition to review of any firearms information in the Protection Order petition.

Assessing Firearms History

The purpose of this section is to assist law enforcement agencies in assessing firearms ownership or possession history when creating a service plan and/or risk assessment prior to the service of a Protection Order with associated OTSPW or an ERPO.

It is considered a best practice to assess the likelihood of the restrained person's firearm access or possession, and their possible location, before serving the order. If firearms are not recovered during the initial service and the respondent retains possession or access to weapons, there is an increased risk of harm to the petitioner, law enforcement, and potentially the public while the firearms remain unsecured.

Determining a respondent's firearms history can also assist officers and the court in determining whether the respondent has surrendered all firearms, dangerous weapons, and any CPL as

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required by the order. The enforcement of the order and/or the issuance of a search warrant to secure firearms may hinge on the respondent's available firearms history

Information related to firearms history (purchase, ownership, possession, access, delivery, or receipt) may be located with the following research:

- Conduct a careful review of the Protection Order petition filed by the petitioner (which may include details on firearms and locations).
- Review Attachment E of the Protection Order petition, which asks the petitioner specific questions about firearms and has example pictures to assist with identification.
- Review the LECIF details related to the respondent.
- Directly talk to the petitioner and any witnesses, ask about firearms, their location, when last seen and any access the respondent may have to them.
- Check for firearm purchase/transfer history and CPL through WADOL; there is also a CPL inquiry by state available through WACIC/NCIC.
- Check Washington State DOL firearms licensing records through the law enforcement portal on the DOL "Firearms Online" website.
- Check any available department of licensing and Washington State Patrol Firearm records. A search for the respondent's available pawn history.
- Review local law enforcement incident reports, evidence/property entries, and/or notes in CAD related to the respondent, including firearm-related incidents or documentation of firearms.
- Review other law enforcement agency reports related to the respondent, such as those which may be available through the Law Enforcement Information Exchange (LINX).
- Review of any Protection Orders, current or past.
- Review available current or prior Lethality Assessments. Previous assessments should always be scanned and included in the report of previous contact.
- Check for state-issued hunting licenses and/or harvest history involving the use of a firearm.
- Review open-source social media posts by the respondent detailing purchase, ownership, possession, or access to weapons.

Failing to research firearm history could leave the respondent with access to firearms in violation of the court's order, thus putting the petitioner, family members, other protected persons, the community, and law enforcement officers at risk because the firearms remain unsecured.

This information may also be critical to establish probable cause that the respondent has not surrendered all weapons as required.

The Chief of Administrative Services Designee 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

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has been terminated, the Chief of Administrative Services shall see that the order is removed from the applicable system (RCW 9A.40.102; RCW 9A.40.104; RCW 9A.40.106).

The Chief of Administrative Services Designee 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).

802.6 CONCEALED PISTOL LICENSE

Immediate Concealed Pistol License (CPL) Surrender:

Per RCW 9.41.075, an OTSPW requires the respondent to also immediately surrender any CPL with the firearms, and then if the case continues beyond the initial 14-day ex parte order, requires law enforcement to revoke the respondent's CPL authorization.

When the court enters a full Protection Order, Restraining Order, or No-Contact Order that includes an OTSPW, and the surrender of any concealed pistol license:

- The order must be served by a law enforcement officer;
- The designated law enforcement agency must immediately ensure the OTSPW is entered into WACIC/NCIC, and the revocation of any CPL is immediately forwarded to the Department of Licensing; and
- Law enforcement officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives, or where there is evidence that the party is trying to evade service.

Return of Concealed Pistol License:

Per RCW 9.41.345, a law enforcement agency may not return a CPL that has been surrendered to, or impounded by, the law enforcement agency for any reason to the licensee until the law enforcement agency determines the licensee is eligible to possess a firearm (WITH BACKGROUND CHECK) under state and federal law and meets the other eligibility requirements under RCW 9.41.070.

A law enforcement agency must release a CPL to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of RCW 9.41.070 have been met.

Re-issuance of Revoked Concealed Pistol License:

The re-issuance of the revoked CPL may be pursued by the licensee upon expiration of the Protection Order, or upon the law enforcement agency's receipt of "Order to Release Weapons" court form. (BACKGROUND WITH PRINTS, ETC.)

802.7 POLICY

It is the policy of the Skagit County Sheriff's Office to maintain office records securely, professionally, and efficiently.

802.8 RESPONSIBILITIES

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802.8.1 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) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection), as applicable, for the following types of occurrences:

1. Deputy suicides
2. Deputy misconduct
3. Uses of force
4. Deputy deaths or assaults
5. Crime incidents
6. Deaths in custody

(h) Providing UCR/NIBRS reports to the Washington Association of Sheriffs and Police Chiefs on a regular basis.

(i) 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).

802.9 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 the Records Section procedure manual.

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Records Maintenance and Release

806.1 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.

806.2 POLICY

The Skagit 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.).

806.3 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 bureau 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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806.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any office member who receives a request for any record shall route the request to the Public Records Officer or the authorized designee.

806.4.1 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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806.4.2 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).

806.5 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 Skagit 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.

806.6 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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806.7 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.

806.8 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.

806.9 SECURITY BREACHES

Members who become aware that any Skagit 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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806.10 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).

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Protected Information

808.1 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 Skagit 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.

808.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Skagit 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.

808.2 POLICY

Members of the Skagit 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.

808.3 RESPONSIBILITIES

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

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

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Licensing (DOL) records, and the Washington Crime Information Center (WACIC).

(b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy. See the Skagit County Sheriff's Office CJIS Access, Maintenance, and Security Policy for additional guidance.

(c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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808.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Skagit 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.

808.4.1 PENALTIES FOR MISUSE OF RECORDS

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

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

Employees who obtain, or attempt to obtain, information from the office files other than that to which they are entitled in accordance with their official duties is a violation of the Standards of Conduct Policy.

808.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

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

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

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records 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 office members or the public is at risk.

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

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808.5.1 REVIEW OF CRIMINAL OFFENDER RECORD
An individual may review his/her criminal history record information held by this office after complying with established office requirements as authorized by RCW 10.97.080.

808.6 SECURITY OF PROTECTED INFORMATION

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

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.

(d) Tracking, documenting, and reporting all breach of security incidents to the Sheriff and appropriate authorities (RCW 19.255.010; RCW 42.56.590).

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

808.7 TRAINING

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

808.7.1 COMPUTER TERMINAL SECURITY
No employee shall be authorized to operate computer terminal equipment with access to CHRI until the operator has completed the appropriate training.

808.8 RELIGIOUS AFFILIATION DISCLOSURE

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any government program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (RCW 42.60.020).

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Animal Control

815.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

815.2 POLICY

It is the policy of the Skagit County Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

815.3 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

(a) Animal-related matters during periods when Animal Control is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

815.4 ANIMAL CRUELTY COMPLAINTS

Laws relating to cruelty to animals should be enforced, including but not limited to RCW 9.08.070 (cruelty to pets), RCW 16.52.117 (animal fighting), RCW 16.52.205 and RCW 16.52.207 (animal cruelty), and RCW 16.52.320 (cruelty to livestock).

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

(c) Any determination of abandonment of an animal must be based on probable cause (RCW 16.52.100).

815.4.1 REMOVAL OF ANIMALS

A deputy who has probable cause to believe that an animal is subject to cruelty may obtain a warrant for removal of the animal.

If an animal is in imminent danger or has a serious physical injury or illness, a warrant need not be obtained before providing emergency aid to or seizing the animal (RCW 16.52.085). The deputy shall take the seized animal to a licensed veterinarian for medical assessment and treatment, then transfer custody to Animal Control, animal foster care, or a nonprofit animal care facility (RCW 16.52.085).

When an animal is removed, written notice shall be provided to the owner within 72 hours of removal and shall include (RCW 16.52.085):

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(a) The contact information of the Skagit County Sheriff's Office.

(b) A description of the animal seized.

(c) The authority and purpose for the seizure.

(d) The time, place, and circumstances of the seizure.

(e) A statement that the owner is responsible for the cost of care and will be required to post a bond with the county district court clerk within 14 calendar days of seizure or the animal will be deemed abandoned and forfeited.

(f) The legal remedies available to the owner.

The notice shall be given by posting at the place of the seizure, by personal delivery to the last known or suspected owner or a person residing at the place of seizure, or by registered mail if the owner is known (RCW 16.52.085).

815.4.2 ANIMALS EXPOSED TO EXCESSIVE HEAT OR COLD, LACK OF VENTILATION OR LACK OF NECESSARY WATER

Deputies may, in exigent circumstances, enter a vehicle or enclosed space other than a residence to save the life of an animal suffering harm from exposure to excessive heat or cold or lack of necessary ventilation or water when there is no person present in the immediate area who has access to the vehicle or enclosed space and is willing to immediately remove the animal (RCW 16.52.340).

In all other cases, a court order should be obtained when necessary to enter a vehicle or structure to protect the life of an animal.

815.4.3 ANIMALS CONFINED WITHOUT FOOD AND WATER

Deputies may enter a property, building, dwelling, or vehicle to provide a confined animal necessary food and water where it appears that the animal may be without necessary food or water for 24 consecutive hours if there is probable cause to believe the animal's health or life is in imminent danger. If a deputy determines that it is extremely difficult to supply the confined animal with food and water, the animal may be removed to protective custody (RCW 16.52.100).

815.5 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

815.6 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/ holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

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815.7 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Sergeant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

815.8 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

815.9 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

815.10 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

The animal may be held for 72 hours, if humane to do so or euthenized by a veterinarian, if inhumane conditions exist. (Skagit County Code 7.08.010)

815.11 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor and whenever possible, in consultation with a licensed veterinarian and the owner of the animal (RCW 16.52.210).

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CJIS Access, Maintenance, and Security

818.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of office systems that access, process, store, or transmit Criminal Justice Information.

818.1.1 DEFINITIONS

Definitions related to this policy include:

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, process, store, or transmit 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.

818.2 POLICY

It is the policy of the Skagit 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.

818.3 CJIS COORDINATOR

The Sheriff shall appoint a CJIS coordinator, who shall be responsible for the Skagit County Sheriff's Office's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the office's use, maintenance, and security of systems that access CJI as described in this policy.

818.3.1 CJIS COORDINATOR 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:

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 (e.g., limiting unsuccessful attempts, validating new passwords against known compromised or commonly used passwords).
3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

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(c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or office requirements, including:

1. Maintaining a list of organizations and personnel approved by the Sheriff to perform maintenance on CJI systems.
2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
4. Maintaining records for all system maintenance and diagnostic activities.

(d) Configuring remote access systems and devices only with the explicit authorization of the [agencyHead] or the authorized designee, including

1. Routing through authorized and managed access control points (e.g., firewalls, secure gateways).
2. Mandatory multi-factor authentication for users.
3. Use of automated mechanisms to monitor and control remote access methods.
4. Mandatory encryption (e.g., VPN, Transport Layer Security).
5. Required logging of all remote access activity.

(e) Monitoring office systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.

(f) Providing for the security of hardware that includes provisions for the following:

1. How hardware is to be brought into and taken out of office facilities
2. Physical security of hardware within office facilities
3. Physical security of areas containing network connections and transmission lines, including monitored access

(g) 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. Directing annual testing of the office's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
3. Making the appropriate notifications outside of the Office (see the Records Maintenance and Release Policy for additional guidance).

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4. Providing information on security incidents to any third-party software developers or vendors as appropriate.

(h) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.

(i) Developing and updating office information security and privacy literacy training and incident response training as required by policy.

(j) Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.

(k) Managing the development, documentation, and dissemination of applicable policies and procedures for the following:

1. Access control
2. Awareness and training
3. Auditing and accountability
4. Assessment, authorization, and monitoring
5. Configuration management
6. Contingency planning
7. Identification and authentication
8. Incident response
9. Maintenance
10. Media protection
11. Physical and environmental protection
12. Planning
13. Personnel security
14. Risk assessment
15. System and services acquisition
16. Systems and communications protection
17. System and information integrity
18. Supply chain risk management

(l) Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Sheriff.

818.4 MEMBER RESPONSIBILITIES

All members of the Office shall be committed to detecting information security incidents and making the appropriate notifications.

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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.

818.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator 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.

818.6 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.

(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 CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

818.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

(a) Members shall only be granted access authorizations that are necessary to accomplish assigned office tasks.

(b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.

(c) Non-privileged members shall not be allowed to execute privileged functions.

818.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the office mission and law enforcement needs.

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818.7 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.

Transportation and transfers of media containing CJI shall only be conducted by authorized members and shall be documented.

818.7.1 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.

818.8 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.

818.9 INCIDENT RESPONSE PLAN

The Skagit County Sheriff's Office TAC will be notified and follow the Access Security Incident Reporting Protocol.

818.10 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 and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

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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.

The office's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

818.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall 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.

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Chapter 9 - Custody

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Temporary Holding Rooms

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Skagit County Sheriff's Office for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Skagit County Sheriff's Office prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Skagit County Sheriff's Office is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Skagit County Sheriff's Office, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Emergent Detentions Policy).

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1. If the deputy taking custody of an individual believes that he/she may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Deputies taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

900.4 SAFETY, HEALTH AND OTHER PROVISIONS

900.4.1 TEMPORARY CUSTODY LOGS

Temporary custody logs are required for juveniles, but not adutls. For juveniles in temporary custody see the Temporary Custody of Juveniles Policy.

900.4.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks.

(b) There is reasonable access to toilets and wash basins.

(c) There is reasonable access to a drinking fountain or water.

(d) There are reasonable opportunities to stand and stretch.

(e) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

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(f) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(g) Adequate furnishings are available, including suitable chairs or benches.

900.5 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

(b) The individual shall have constant auditory access to department members.

(c) Safety checks by department members:

1. Safety checks should be at varying times.
2. The safety check should involve questioning the individual as to his/her well-being.

900.6 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

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Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into the Skagit 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.

901.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

901.2 POLICY

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

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

901.3 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Skagit 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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901.4 STRIP SEARCHES

No individual in temporary custody at any Skagit 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.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on office members, escape attempts).

(d) The individual’s actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

(f) The nature of the offense.

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

901.4.1 STRIP SEARCH PROCEDURES

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

(a) Written authorization from the Shift 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.

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(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include (RCW 10.79.150):

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Shift 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.
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).

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901.4.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES
A strip search may be conducted in the field only with Shift 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 Shift Sergeant authorization does not need to be in writing.

901.4.3 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).

901.5 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 Shift 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 Shift Sergeant’s approval.

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4. A copy of the search warrant.
5. The time, date, location, and description of the search.
6. The medical personnel present.
7. The names, sex, and roles of any office members present.
8. A statement of the results of the search and a list of any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

(g) Before any physical body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, as appropriate, must be used. No physical body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the Office (RCW 10.79.080).

(h) The Shift 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).

901.6 TRAINING

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

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

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

901.7 DOCUMENTATION OF A BODY CAVITY SEARCH

The deputy requesting a body cavity search shall prepare and sign a report regarding the body cavity search, which shall include (RCW) 10.79.080(4)):

(a) A copy of the written authorization required under Policy Manual § 902.6(b).

(b) A copy of the warrant and any supporting documents.

(c) The name and sex of all persons conducting or observing the search.

(d) The time, date, place and description of the search.

(e) A statement of the results of the search and a list of any items removed from the person as a result of the search.

901.8 LIABILITY

The Revised Code of Washington expressly provides that a person who suffers damage or harm as a result of an improper search may bring a civil action to recover damages (RCW 10.79.110).

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The agency and its employees are not liable for injury, death, or damage caused by a person in custody when the injury, death or damage was made possible by contraband that would have been discovered sooner but for the delay caused by having to seek a search warrant (RCW 10.79.170).

901.9 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Office.

The Sheriff or the authorized designee should establish procedures for the following:

(a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.

1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.

(b) Providing deputies with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent a deputy from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

901.10 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.

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Biological Samples

903.1 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.

903.2 POLICY

The Skagit 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.

903.2.1 POINT OF COLLECTION

As soon as administratively practicable after confinement persons required to provide DNA samples shall be processed for the necessary samples

903.3 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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903.3.1 BLOOD SAMPLES
Health care providers trained and qualified to draw blood are the only persons authorized to perform the withdrawal of blood in a medically approved manner.

903.3.2 BUCCAL SWABS
Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed departmentally approved training in the collection of buccal swabs. If an individual violently resists or presents other officer safety issues, employees may omit buccal swab samples upon approval of a supervisor.

903.3.3 FULL PALM PRINTS
Full palm print impressions shall be obtained on appropriate forms along with all DNA samples.

903.3.4 USE OF FORCE TO OBTAIN SAMPLES
If, after a written or oral request, an individual required to provide samples refuses to provide any or all of the required DNA samples, a sworn member of this department may use reasonable force necessary and consistent with constitutional and legal requirements to compel them to submit to collection of the required sample (RCW 43.43.750).

Use of force to obtain such sample(s) should occur only under the following conditions

(a) Prior to the use of reasonable force, the deputies shall take and document reasonable steps to secure voluntary compliance.

(b) Prior to the use of reasonable force, the Deputies shall obtain written authorization from a supervisor which shall minimally include that the individual was asked to provide the sample(s) and refused.

(c) If the authorized use of reasonable force includes a cell extraction, such extraction shall be videotaped.

For the purpose of this section, the “use of reasonable force” shall be defined as the force that an objective, trained, and competent deputy faced with similar facts and circumstances would consider necessary and reasonable to gain compliance.

903.3.5 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).

903.4 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.

903.4.1 COLLECTION
The following steps should be taken to collect a sample:

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(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.

903.5 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.

903.5.1 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.

903.6 LEGAL MANDATES AND RELEVANT LAWS

Washington law provides for the following:

903.6.1 AVAILABLE INFORMATION AND TRAINING

The patrol supervisor should maintain relevant informational material from the WSP in the booking area of the Skagit County Sheriff's Office for training and guidance purposes. This should include

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the WSP protocols for the collection, preservation, and shipment of biological samples (WAC 446-75-060).

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Prison Rape Elimination

904.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Skagit County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111).

904.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

904.2 POLICY

The Skagit County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Skagit County Sheriff's Office will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

904.3 PREA COORDINATOR

The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Skagit County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of Skagit County Sheriff's Office prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents" or a similarly comprehensive and authoritative protocol.

2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.

3. A process to document all referrals to other law enforcement agencies.

4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.

5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

904.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

904.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Shift Sergeant any knowledge, suspicion or information regarding:

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(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against prisoners or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

904.4.2 SHIFT SERGEANT RESPONSIBILITIES

The Shift Sergeant shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift Sergeant shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Shift Sergeant shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift Sergeant shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

904.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

904.5.1 FIRST RESPONDERS

The first deputy to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not a deputy the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

904.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person’s status as a prisoner or a member of the Skagit County Sheriff's Office.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the prosecuting attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

904.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

904.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

904.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the County Commissioners. The Sheriff or County Commissioners shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

904.6 RETALIATION PROHIBITED

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift Sergeant or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Shift Sergeant or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

904.7 REVIEWS AND AUDITS

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904.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

904.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year’s data and corrective actions with those from prior years.

(e) An assessment of the department’s progress in addressing sexual abuse.

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The report shall be approved by the Sheriff and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Skagit County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

904.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

904.9 TRAINING

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department’s zero-tolerance policy and prisoners’ right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.

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- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Sergeant shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Transporting Persons in Custody

905.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Skagit County Sheriff's Office.

See the Handcuffing and Restraints Policy for additional guidance.

905.2 POLICY

It is the policy of the Skagit County Sheriff's Office to provide safe, secure, and humane transportation for all persons in custody.

905.3 CHIEF OF FIELD OPERATIONS RESPONSIBILITIES

The Chief of Field Operations should establish related procedures for:

- Safely transporting persons who have their legs restrained.
- Seating placement of persons being transported in vehicles with and without safety barriers.

905.4 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. If a deputy of the same gender is not reasonably available, a witnessing deputy should be present during the search.

(c) Provide Skagit 911 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.

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(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:

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):

1. If no medical condition exists, alternative transportation should be arranged (e.g., a special transport van).

905.5 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.

905.6 TRANSPORT VANS

A deputy trained on the safety and restraint systems of a transport van should be present during the transport van's use for transporting a person in custody.

A deputy should assist persons getting into and out of the transport van to avoid falls.

905.7 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.

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905.8 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.

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 Shift Sergeant.

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.

905.9 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 themself 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.

905.10 EMERGENCY DETENTION TRANSPORTS

When transporting any individual for an emergency detention, the transporting deputy should request that Skagit 911 notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

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 during the transport, Shift Sergeant approval is required before transport commences.

See the Emergency Detentions Policy for additional guidance.

905.11 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, deputies should not interrupt a transport to provide emergency assistance without supervisory approval. Deputies encountering an emergency should notify Skagit 911 and request an appropriate response.

905.12 EXTENDED TRANSPORTS

During transports for extended durations, transporting deputies may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-

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custody person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

905.13 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.

(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.

905.14 ESCAPES

In the event that a person in custody escapes while being transported, the transporting deputy should immediately advise Skagit 911 and other units of the escape, provide a description of the escapee, notify the Shift Sergeant, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Shift Sergeant should notify the Sheriff or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the Skagit County Sheriff's Office, the Shift Sergeant should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

905.15 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.

905.16 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.

905.17 TRAINING

The Training Sergeant should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 POLICY

In accordance with applicable federal, state, and local law, the Skagit 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 RECRUITMENT

The Administrative Services Bureau Chief should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Consideration of shared or collaborative regional testing processes.

The Administrative Services Bureau Chief shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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

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(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

(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 Skagit County Sheriff's Office and that are promulgated and maintained by the Personnel Department.

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 Skagit 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).

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1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administrative Services Bureau Chief shall not require candidates to provide passwords, account information or access to password-protected social media accounts (RCW 49.44.200).

The Administrative Services Bureau Chief should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Office fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administrative Services Bureau Chief should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, 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 Skagit 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

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- 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.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Department 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 conducted by a licensed psychologist or psychiatrist

(c) Submit to a polygraph examination conducted by a qualified technician

(d) Submit to a criminal history check

(e) Not been convicted of a felony offense

(f) Be eligible to work under federal law as a U.S. citizen, lawful permanent resident, or Deferred Action for Childhood Arrivals (DACA) recipient

1000.8 PROBATIONARY PERIODS

The Administrative Services Bureau Chief should coordinate with the Skagit County Personnel Department to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

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(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete each evaluation. 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 be sent to a CJTC approved supervisory course within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation rating criteria with each employee at the beginning of the rating period. When a non-probationary employee's job performance falls below the established standards of the job, the supervisor should, as soon as practical, advise the employee in order to provide an opportunity for the employee to improve performance. Failure to meet established performance standards is justification for an unsatisfactory rating. Rating factors that are not observed are assumed to be performed at a standard level.

1002.3 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed quarterly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary deputies are evaluated quarterly during the probationary period.

1002.4 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

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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 should 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.

1002.4.1 RATINGS CRITERIA

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding -

Besides consistently performing at an above-average level, is also willing and able to take on a leadership role in all patrol activities

Routinely looks for opportunities for pro-active patrol and creatively comes up with effective methods to on-view and curtail criminal activity

Is knowledgeable in all aspects of patrol procedures and traffic enforcement and is consistently at or near the top in production

Above Average -

In addition to consistency exceeding those functions listed as average, will also routinely assist fellow deputies and other agencies in all elements of patrol

Average -

Makes an effort to respond to complaints in a timely manner

Gets the essential information at complaints and attempts to follow up leads if time allows

Recognizes traffic infractions and take appropriate action

Attempts service of arrest warrants and civil papers on a regular basis

Actively patrols and is familiar with current patrol checks and registered sex offenders in his or her assigned zone.

Assists the public with non-criminal complaints when appropriate

Completes traffic collision reports in a thorough and timely manner

Below Average -

Is occasionally slow to respond to complaints and often times fails to get the basic information needed

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Does little active patrol and is not familiar with current patrol checks in his or her assigned zone

Is consintently low in traffic enforcement.

Rarely attempts service of arrest warrants or civil papers

Little self initiated patrol activity

Has Not Had an Opportunity to Demonstrate -

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1002.5 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.

1002.6 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Chief). The Division Chief shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Chief shall evaluate the supervisor on the quality of ratings given.

1002.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the Human Resources Office and a copy is maintained in the office of the Sheriff for the tenure of the employee's employment. A copy will be given to the employee.

1002.8 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

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for a performance deficiency, the supervisor should consider whether remedial training would be appropriate to assist the employee in improving their performance.

(a) If remedial training is deemed to be appropriate, the supervisor shall document the following items in a Personnel Improvement Plan (PIP):

1. The remedial training being provided.
2. The timeline for providing the training.
3. The timeline for evaluating the employee's subsequent performance.
4. The consequences if the employee fails to perform.
5. The desired outcome if the remediation is successful.

(b) Prior to implementing the remedial training, the supervisor shall present the PIP to the employee who shall then be provided with ten days to respond with any objections or other comments.

(c) If the employee fails to provide a timely written response or expresses no desire to respond, the employee's date and signature shall be affixed to the PIP as agreement to its terms.

(d) If the employee provides a timely written response, any objections shall be adjudicated in accordance with the department's grievance procedure.

The remedial training process is for use with all employees. It is not limited to use with probationary employees.

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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

Except as otherwise required under a collective bargaining agreement, if an employee believes that he/she has a grievance as defined above, then that employee shall observe the following procedure:

Step 1: Within ten (10) working days from its occurrence, or reasonable knowledge, the Guild or aggrieved employee shall discuss his/ her complaint with the immediate supervisor. The Guild representative may be present. This discussion shall be verbal and, if settled no further action shall be taken.

Step 2: If the dispute is not settled in Step 1, within ten (10) working days from the date the complaint was submitted to the immediate supervisor in Step 1, the Guild or aggrieved employee shall reduce the grievance to writing, filed with the Undersheriff with a copy to the
Sheriff. After receipt of the step 2 grievance, the Undersheriff shall contact the Guild or aggrieved employee to schedule a mutually agreeable time for discussion about the grievance. A Guild representative may be present for the Step 2 discussion with the Undersheriff. This discussion shall be a verbal discussion and, if settled, no further action shall be taken.

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At step 2 and each subsequent step of the grievance procedure, the written grievance shall
include: (a) a statement of the grievance; (b) the sections of this agreement alleged to have
been violated; (c) the remedy sought; (d) the name of the individual(s) submitting the grievance.

Step 3: If the grievance is not resolved in Step 2, the grievance shall be reduced to writing and shall be filed with the Sheriff within fifteen (15) working days of presenting it to the Undersheriff in Step 2. The Sheriff shall attempt to resolve the grievance within five (5) working days of receipt of same and must communicate his response in writing to the Guild within five (5) working days of receipt of the grievance.

Step 4: If the grievance is not settled in accordance with the foregoing procedure, it may be submitted for arbitration within thirty (30) days of receipt of the Sheriffs response at Step 3 by either signatory party to this Agreement. The parties shall select a disinterested party to serve as arbitrator. In the event the County and the Guild are unable to agree upon an arbitrator, the County and the Guild shall request a list of arbitrators from the American Arbitration Association. The County and Guild then shall select an arbitrator from said list. Order of selection and striking of arbitrator names shall be determined by a coin flip. The arbitrator shall have jurisdiction and authority only to interpret, apply or determine compliance with this Agreement. The arbitrator shall have no authority to add to, detract from, or alter in any way, the provisions of this Agreement. Any decisions shall be final and binding upon the parties. The expenses and fees incident to the services of the arbitrator shall be equally shared by the County and the Guild. All other expenses associated with either party presenting its case in arbitration shall be borne by that party, including attorney fees.

Timelines denominated herein may be waived or extended by mutual agreement of the parties in writing.

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 Administrative Services for inclusion into a secure file for all written grievances.

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Reporting of Arrests, Convictions, and Court Orders

1008.1 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 Skagit 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).

1008.2 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.

1008.3 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 Shift 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).

1008.3.1 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION
The Administrative Services Bureau Chief 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).

1008.4 PROCEDURE FOR RELIEF

Relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1008.5 POLICY

The Skagit County Sheriff's Office requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Office

1008.6 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Washington law prohibits the possession of a firearm under the provisions of RCW 9.41.040 (unlawful possession of firearms).

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this office may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

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Drug- and Alcohol-Free Workplace

1010.1 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).

1010.2 POLICY

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

1010.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on County property, at work, or while on duty except in the performance of a special assignment

Department employees shall not illegally manufacture any alcohol or drugs while on duty, on County property or at any other time except in the performance of a special assignment

1010.2.2 USE OF PRESCRIBED MEDICATIONS

Department employees who are medically required to take prescription medications during work hours shall not allow such medications to impair their ability to perform their work. Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to the immediate supervisor. No employee shall be permitted to work or drive a department-owned or leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

Possession or use of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action (RCW 69.51A.060(6)).

1010.3 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 Shift 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).

1010.3.1 USE OF MEDICATIONS

Members should not use 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 the member's immediate supervisor prior to commencing any on-duty status.

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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 the member's abilities, without a written release from the member's physician.

1010.3.2 MEDICAL CANNABIS
Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action (RCW 69.51A.060).

1010.4 MEMBER RESPONSIBILITIES
Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on office premises or on office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1010.5 EMPLOYEE ASSISTANCE PROGRAM
There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Personnel Department, 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.

1010.5.1 ADDITIONAL SCREENING TESTS FOR DEPUTIES
The Department may request an employee to submit to a screening test if the employee:

(a) Is a law enforcement officer and, during the performance of his/her duties, discharges a firearm other than by accident.

(b) During the performance of his/her duties, drives a motor vehicle in such a manner as to cause bodily injury to him/herself or another person or substantial damage to property.

1010.5.2 SCREENING TEST REFUSAL
An employee is subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

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(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

1010.6 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.

1010.7 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.

1010.7.1 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.

(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.

1010.7.2 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

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controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1010.8 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).

1010.9 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.

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Peer Support Program

1011.1 PURPOSE AND SCOPE

Almost everyone has (or will) experience, a stressful situation in his/her lifetime. It is during these times that family and friends come to the rescue. They are able to provide needed support and understanding that help overcome life's problems. The Peer Support Program is one of those "friends" who is available to every Skagit County Sheriff's Office employee.

This policy has three specific objectives:

(a) It provides a background for understanding the Peer Support Program

(b) It provides a background for understanding the Skagit County Critical Incident Stress Management Team

(c) It provides practical guidelines for personnel involved in the program

(d) It provides the Peers with guidelines for assisting their peers.

1011.1.1 DEFINITION

The Peer Support Program offers assistance and appropriate support resources to the Sheriff's Office employees. This communication is confidential, providing it does not violate any law or department regulation and complies with RCW 5.60.060(6).

This program is designed to:

(a) Provide emotional support to employees who need assistance during and after times of personal or professional crisis or stressful situations.

(b) Promote trust, allow anonymity, and preserve confidentiality for persons using Peer Support within the guidelines of the program.

(c) Develop Members who can identify personal stressful events/circumstances and provide guidance or referral to professional\alternate resources as required.

(d) Maintain an effective peer support training and response program.

A Member is a "peer support group counselor" designated by the agency who has received training to provide emotional and moral support and counseling to a law enforcement officer or jail staff person who needs those services as a result of an incident in which the law enforcement officer or jail staff person was involved while acting in his or her official capacity prior to the incident that results in counseling. RCW 5.60.060(6).

1011.2 MISSION STATEMENT

The Skagit County Sheriff's Office recognizes the value of providing a way for their employees and their family members to deal with personal and\or professional stressful events/circumstances. A successful approach to these issues has been to provide a program which offers a nonprofessional (peer) support program in addition to the current professional employee Assistance Program (EAP). The peer support program is composed of a group of peers who have volunteered to make themselves available to any Member of this department and participating departments. This will

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provide a way for the Sheriff's Office employees to talk out personal and\or professional stressful events/circumstances with someone who understands and cares.

The Skagit County Sheriff's Office most valuable resource is its employees. The peer support program's goal is to assist peers with stresses caused by personal and\or professional events/ circumstances and help them continue to be a productive Member of the Skagit County Sheriff's Office.

1011.3 ROLE OF MEMBERS

The Member provides assistance to employees in time of stress and crisis.

The responsibilities of Members are as follows:

(a) Provide trust, anonymity and assure confidentiality within guidelines to employees who seek assistance from the Skagit County Critical Incident Stress Management Team.

(b) Attend the Peer Support training.

(c) Provide assistance and support on a voluntary basis to employees and family, referring him\her to the appropriate outside resource when necessary.

(d) Be available to the individual for additional follow-up support.

(e) Maintain contact with the Program Coordinator regarding program activities.

(f) Agree to be contacted and, if practical, respond at any hour.

The Member's communications from the employee seeking assistance are protected from disclosure so long as the provisions if RCW 5.60.060(6) regarding privileged communications are followed.

The Member is not exempt from federal, state, local laws, or the rules and regulations of the Department. When necessary, contact the Skagit County Critical Incident Stress Management Team Coordinator for assistance and guidance.

1011.3.1 ROLE OF COORDINATOR

The Skagit County Critical Incident Stress Management Team Coordinator acts as the primary liaison between the Members, the Skagit County Critical Incident Stress Management Team, resource persons, and the department. The Program Coordinator serves as the link to ensure that the Peer Support Program is being managed in accordance with the goals and objectives established for the program.

Major duties of the Coordinator include:

(a) Supervising the Program on a daily basis.

(b) Recruiting and coordinating the screening of the applicants.

(c) Coordinating training of Members.

(d) Developing resources to assist individuals when problem areas are identified.

(e) Maintaining an accounting of resources used by the program.

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(f) Offering guidance to Members when problems occur.

(g) Ensure follow-up response of Members when referrals are made for outside services.

1011.3.2 ROLE OF COUNSELING TEAM
The Skagit County Critical Incident Stress Management Team shall:

(a) Design a training curriculum and provide Members with basic and continuing (updated) training.

(b) Serve as a primary referral resource.

1011.4 PEER SUPPORT SELECTION PROCESS

Any employee of the Skagit County Sheriff’s Office may nominate a peer by submitting the name of the peer through their chain of command to the Coordinator for consideration as a Member.

(a) Prospective Members must meet the following criteria:

  (a) Agree to maintain confidentiality within the guidelines provided in this policy.

  (b) Be in good standing with the department.

  (c) Complete Peer Support Interest questionnaire.

(b) Desirable qualities include:

  (a) Be empathetic and possess interpersonal and communication skills.

  (b) Be motivated and willing to manage time effectively. This will allow minimal impact on their normal duties.

  (c) Effective listening and problem solving skills.

When there is a need for Members, the Coordinator will send out an informational memo seeking employees as Members. After the memos and questionnaire have completed their route, then a list will be established. That list will then go out to all employees for a vote. When the votes are tallied, the Coordinator makes the #nal selection with input from the Members.

The Coordinator will provide the Sheriff with an updated list of Members on a biannual basis.

1011.5 TRAINING PROGRAM

The training program will consist of programs offered by the Counseling Team and outside sources and will be overseen by the Coordinator. The Basic Peer Support training is required by all new members. The mandatory eight hours of updated peer support training will be offered three times per year and all Members will be required to attend one eight hour course to remain a Member. The major emphasis will focus on skill development for conducting peer assistance including:

- Effective listening
- General assessment skills
- Problem-solving skills
- Relationship termination (death, divorce, etc.)

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- Referral and follow-up.

1011.5.1 SERVICE ASSIGNMENT

(a) Members may withdraw from participation at any time. They are required to notify the Coordinator.

(b) Members may be removed from participation in the program for conduct inconsistent with program policy and objectives.

(c) Negative job performance caused by Member duties must be reported by the Member's supervisor to the program Coordinator for discussion and resolution.

(d) Members may be removed from participation in the program if updated training is not attended annually.

1011.5.2 ORGANIZATIONAL RESOURCES

The following guidelines provide the Member formal authority to obtain certain organizational resources and support he\she needs to assist peer employees:

(a) Lodging and per diem expenses may be provided for training, workshop attendance and assignment referrals to a work location outside the Members currently assigned location. All such activity is subject to prior authorization by the Coordinator.

(b) The Member is authorized to use department facilities to meet with employees.

(c) The Member is permitted to consult with employees on duty.If the consultation is lengthy or the employee is in distress, the Member will advise the employee's immediate supervisor, if applicable.

(d) Participation in the program is voluntary and no overtime or compensatory time will be authorized for time expended performing Member duties.

1011.5.3 CONFIDENTIALITY

It is imperative that each Member maintain strict confidentiality of all information learned about an individual within the guidelines of this program.

Communications between the Member and an employee seeking assistance is considered confidential except for matters which involve the following:

(a) Danger to self.

(b) Danger to others.

(c) Suspected child abuse.

(d) Narcotic offenses (sales or transportation).

(e) Domestic violence.

(f) Factual elderly abuse.

(g) Where divulgence is requested by the peer.

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Member assistance is not exempt from laws, rules, regulations, directive or orders, but any exchange of information not in violation of this statement will be confidential, if the conditions of RCW 5.60.060(6) are satisfied.

Members should, when practical, inform the employee seeking assistance, prior to discussion, of the limitations and exceptions regarding the information revealed. In those cases where a concern or a question regarding confidentiality arises, the Member must immediately contact the Coordinator or Counseling Team who will take appropriate action.

1011.6 INTERNAL INVESTIGATIONS

It may occur that a Member is assisting an individual who is or becomes the subject of a disciplinary investigation. The Member's role in disciplinary situations should be one of support and assisting individuals through the stress they may face during the disciplinary process. The Member shall follow the confidentiality policy of the Peer Support Program. The Member shall not volunteer any information received which is considered confidential under 1011.5.3. However, the Member may not hamper or impede the internal investigation, nor may they attempt to shelter the individual from the department's investigation. Department supervisors shall respect the confidentiality of the prior peer support conversations. A Member may only be ordered to divulge information obtained during a peer support session only by the Sheriff after due considerations of the need for confidentiality.

If Members have any questions or concerns regarding these situations, they should consult with the Coordinator or Commander for guidelines and assistance.

As soon as the Member becomes aware he/she might have a conflict regarding the Internal Investigation, the Member will immediately notify the Coordinator so an alternate uninvolved Member can transition to provide support.

1011.7 PEER SUPPORT PROGRAM SKILLS AND TECHNIQUES

The purpose of this section is to provide the Member with a summary of the guidelines to be followed when dealing with situations under #eld conditions. These guidelines are the basic tools for providing assistance. Used properly, they will help boost Member confidence and will reduce the risks of mismanaging emotional problems. For more detailed guidelines, the Member should refer to the material contained in the Peer Support Training Manual.

1011.7.1 LISTENING

Listening techniques are fundamental to the use of all other interviewing skills. The purpose of effective listening includes:

(a) Encouraging self-expression.

(b) Allowing individual opportunity to direct the interview.

(c) Giving individuals a sense of responsibility for what happens.

(d) Helping individuals relax and be comfortable in the interview.

(e) Fostering trust of the Member and a sense of security.

(f) Enabling the Member to draw more accurate inferences about the individual.

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1011.7.2 ASSESSMENT

The process of making a judgment about the information gathered during the interview. Two primary factors must be considered. They are:

(a) Assess whether the problem is one with which you can assist the person or one that should be referred to professional resources.

(b) Assess whether the problem needs urgent attention.

1011.7.3 REFERRAL

The process of directing the peer to the appropriate professional service(s) available.

1011.7.4 FOLLOW UP

Once assessment and referrals have been made, the Member should monitor the individual's process, and provide followup assistance as needed.

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Sick Leave

1012.1 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.).

1012.2 USE OF SICK LEAVE

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Employees shall not feign illness or injury in an effort to escape duty.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

1012.3 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.

1012.3.1 NOTIFICATION

All members should notify the Shift Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work and within one hour before the start of their scheduled shifts, unless it is not practicable to do so. If it is impracticable and 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).

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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.

1012.4 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; 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.

1012.5 SUPERVISOR RESPONSIBILITIES

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

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Personnel Department 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.

1012.6 PERSONNEL AGENCY

The Chief of Administrative Services 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.

1012.7 RETALIATION

No employee shall be retaliated against for using qualifying sick leave (WAC 296-128-770).

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Communicable Diseases

1014.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of office members contracting and/or spreading communicable diseases.

1014.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member’s position at the Skagit County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1014.2 POLICY

The Skagit 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.

1014.3 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes (WAC 296-823-100 et seq.):

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that office members shall be provided with appropriate personal protective equipment (PPE), including latex gloves or equivalent, face masks, eye protection, protective shoe covers, and pocket masks for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Bloodborne pathogen mandates including but not limited to (WAC 296-823-110 et seq.):

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(a) The identification of positions with the potential for exposure.

(b) Measures to eliminate or minimize occupational exposure and how members will be informed of those measures.

(c) A plan for the distribution and use of PPE related to communicable diseases.

(d) Directions for appropriate labeling of contaminated items.

(e) Rules regarding worksite maintenance.

(f) Rules regarding waste.

(g) Confidentiality requirements and medical protocols.

(h) Maintenance of training and medical records.

2. The Washington Industrial Safety and Health Act (RCW 49.17.010 et seq.; WAC 296-800-110 et seq.).

3. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

The ECO should also act as the liaison with the Washington Division of Occupational Safety and Health (DOSH) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan (WAC 296-823-11010).

1014.4 EXPOSURE PREVENTION AND MITIGATION

1014.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or office vehicles, as applicable.

(b) Wearing office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

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(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1014.4.2 IMMUNIZATIONS
Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (WAC 296-823-130).

1014.5 POST EXPOSURE

1014.5.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

(d) Immediately Report to the Skagit Regional Health Clinic
Occupational Medicine
1400 East Kincaid Street
Mount Vernon, WA. 98273
360-428-2500
Hours:
M-F: 7:30 a.m. – 8:00 p.m.
Sat/Sun: 8:00 a.m. – 4:00 p.m.
After Hours Report to the ER

(e) Complete L&I Workers Comp paperwork during this initial visit.

(f) If the result of the exposure incident is determined to be a significant exposure by the medical provider and follow-up is required, a “source person” blood test should be obtained whenever possible.

1. If the source person is in custody or incarcerated, jail medical, with the source person’s consent, can obtain blood and have tested.

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2. If the source person is out of custody or not under arrest, consent must be obtained. They can then report or be escorted to the Occupational Clinic for testing.

(g) A release of information (ROI) form is needed from the source person

(h) If the source person declines to consent to testing or providing an ROI:

1. Contact the on-call County physician (360) 770-8931

(a) Request the physician obtain a court order.

1014.5.2 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).

1014.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (WAC 296-823-16005).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

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1014.5.4 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).

1014.5.5 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.

1014.6 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.

1014.7 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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Smoking and Tobacco Use

1016.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Skagit County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1016.2 POLICY

Smoking is prohibited inside public buildings and vehicles. No employee shall smoke tobacco products within 25 feet of a main entrance, exit, or operable window of any building (RCW 70.160.075).

Employees in uniform are also prohibited from smoking or using tobacco products while in public view. Authorized smoking areas shall be designated by the Sheriff.

Employee use of smokeless tobacco products is allowed inside a county vehicle or building only when exercising the utmost discretion, as to ensure no other employee will be offended by the usage. No evidence of tobacco usage inside county buildings or county vehicles should ever be left behind where another employee might be exposed to it. Tobacco products should be disposed of properly.

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Personnel Complaints

1018.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Skagit 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.

1018.2 POLICY

The Skagit County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any memorandum of understanding or collective bargaining agreements.

It is also the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation.

1018.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.

1018.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Sergeant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1018.3.2 SOURCES OF COMPLAINTS
The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1018.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1018.4.1 ACCEPTANCE
All complaints will be courteously accepted by any office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1018.5 DOCUMENTATION
Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Office should audit the log and send an audit report to the Sheriff or the authorized designee.

1018.6 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows.

1018.6.1 SUPERVISOR RESPONSIBILITIES
In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

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A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

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

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

1. The original complaint form will be directed to the Shift Sergeant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.

2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Bureau Chief or the Sheriff, who will initiate appropriate action.

(b) Responding to all complaints in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.

2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Sergeant.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Sergeant and Sheriff are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Personnel Department and the Shift Sergeant for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Shift Sergeant, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator’s name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed.

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

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1018.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Unit, the following applies to employees:

(a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.

(b) Unless waived by the employee, interviews of an accused employee shall be at the Skagit County Sheriff's Office or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused employee.

(d) Prior to any interview, an employee should be informed of the nature of the investigation.

(e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.

(f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.

(i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual’s statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All employees shall provide complete and truthful responses to questions posed during interviews.

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(k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

(l) An employee covered by civil service shall be provided a written statement of all accusations with a duplicate statement filed with the civil service commission (RCW 41.12.090; RCW 41.14.120).

1018.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1018.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

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1018.6.5 COMPLETION OF INVESTIGATIONS
Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1018.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS
The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1018.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1018.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1018.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Skagit 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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1018.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

1018.10.1 BUREAU CHIEF AND UNDERSHERIFF RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Bureau Chief of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Bureau Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Undersheriff, the Bureau Chief may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendations to the Undersheriff, the Bureau 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.

The Undersheriff shall review the entire investigative file and other relevant materials. The Undersheriff shall review recommendations from the Division Chief regarding disposition of any allegations and the amount of discipline, if any, to be imposed. Prior to forwarding recommendations to the Sheriff, the Undersheriff may return the entire investigation to the Division Chief or the assigned investigator for further action. When forwarding any written recommendations to the Sheriff, the Undersheriff 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.

1018.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the Undersheriff for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the member with a written notice and the following:

(a) Access to all of the materials considered by the Sheriff in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.

1. Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.

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2. If the member elects to respond orally, the presentation shall be recorded by the Office. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

1018.10.3 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.

1018.11 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.

1018.12 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).

If the totality of the circumstances support a conclusion that the deputy resigned or retired in anticipation of discipline, whether or not the misconduct was discovered at the time, and when such discipline, if carried forward, would more likely than not have led to discharge, or if the deputy was laid off when disciplinary investigation or action was imminent or pending which could have resulted in the deputy's suspension or discharge, the Sheriff's Office shall conduct and complete

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the investigation and provide all relevant information to CJTC as if the deputy were still employed (RCW 43.101.135.

1018.13 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.

1018.14 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.

1018.15 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.

1018.16 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 of an initial disciplinary decision made by the Office for alleged 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 for determination of suspension or revocation of certification (RCW 10.93.190).

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The Office shall provide timely updates on an internal investigation reported to the CJTC and provide a summary of findings to the CJTC within 15 days of concluding the investigation (WAC 139-06-020).

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).

1018.17 ANNUAL REVIEW AND ANALYSIS

The Internal Affairs Unit supervisor shall prepare an annual review and analysis report on internal investigations. The report should not contain any identifying information about any specific complaint, citizen, or deputy and should address:

(a) Policy and procedure issues identified during the review process, if any.

(b) Training issues identified during the review process, if any.

(c) Personnel issues identified during the review process, if any.

The report shall be submitted to and reviewed and approved by the Sheriff.

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Seat Belts

1020.1 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.

1020.1.1 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).

1020.2 POLICY

It is the policy of the Skagit 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.

1020.3 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.

1020.4 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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1020.5 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.

1020.6 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.

1020.7 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.

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Body Armor

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1022.2 POLICY

It is the policy of the Skagit 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.

1022.3 ISSUANCE OF BODY ARMOR

The Administrative Services supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the Skagit County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Services supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1022.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Deputies shall only wear agency-approved body armor.

(b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when a deputy is working in uniform or taking part in Department range training.

(e) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1022.3.2 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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1022.3.3 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.

1022.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates deputies about the safety benefits of wearing body armor.

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Personnel Records

1024.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1024.2 POLICY

It is the policy of this office to maintain personnel records at Human Resources and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Washington.

1024.3 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.

1024.4 BUREAU FILE

Bureau files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Bureau 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.

1024.5 TRAINING FILE

An individual training file shall be maintained by the Training Sergeant 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 Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1024.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Internal Affairs Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's office file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

1024.7 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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1024.8 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 County Commissioners, County Prosecutor or other attorneys or representatives of the County in connection with official business.

1024.8.1 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.

1024.8.2 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.

1024.8.3 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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1024.9 MEMBER ACCESS TO THEIR OWN PERSONNEL RECORDS

Any member may request access to their own personnel records annually during the normal business hours of those responsible for maintaining such files. The Office shall provide a copy of the record to the member no later than 21 calendar days after the request (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))

1024.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.

(c) If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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Request for Change of Assignment

1026.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1026.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment form. The form should then be forwarded through the chain of command to their Division Chief.

1026.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request form.

1026.3 SUPERVISOR'S COMMENTARY

The deputy's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Division Chief of the employee involved. In the case of patrol deputies, the Shift Sergeant must comment on the request with his/her recommendation before forwarding the request to the Division Chief. If the Shift Sergeant does not receive the Change of Assignment Request Form, the Division Chief will initial the form and return it to the employee without consideration.

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Employee Awards/Commendations

1028.1 AWARDS PROGRAM

The Sheriff's Office Awards Program recognizes extraordinary efforts and meritorious acts performed by employees. Recognition of significant accomplishments through this program promotes high morale, esprit de corps and improved service. Office employees who receive an award through the Awards Program are nominated by other employees.

Generally, personnel must be on duty at the time the act occurred in order to be considered for an award. However, the Sheriff may make exceptions for acts that occurred while the employee was off duty but engaged in an authorized police activity.

Other forms of recognition may be awarded to Office employees at any time by the Sheriff. Other forms of recognition include, but not limited to:

1. "The Sheriff's Award,"

2. Letters of Commendations,

3. Certificates of Completion or Recognition, and

4. Awards given to civilians not employed by the office.

5. Anne Jackson Award

1028.1.1 AWARDS COORDINATION AND RESPONSIBILITY

The Chief of Administrative Services is responsible for coordination of the awards program.

Responsibilities include:

Maintaining a file of all nominations for each award.

Presenting the chairperson of the awards committee with a list of nominees by February 28th of each year.

Maintaining a file on all actions taken for each nomination for a period of three (3) years.

Scheduling and coordinating an awards ceremony within thirty (30) days of receiving an awards decision.

This may include:

Arranging for the attendance of the County Commissioners,

County Administrator, or

Other officials as appropriate.

Arranging a press release by the Public Information Officer.

Entering all awards into personnel records.

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Maintaining a supply of medals, ribbons and citations and prepare these awards for presentation in accordance with the guidelines for each award.

1028.2 NOMINATIONS

Any current Sheriff's Office employee may nominate one or more individuals who meet the eligibility criteria specified for the appropriate award as specified below:

A nomination statement must be submitted on department letterhead.

The statement must provide information supporting each element required to receive the award.

Copies of all case reports or other supporting documents should accompany the nomination statement.

A list of all witnesses to the incident should accompany or be included in the nomination statement.

The nomination statement and associated documentation must be forwarded via the nominating employee's chain of command to the Chief of Administrative Services by February 15th.

1028.3 AWARDS COMMITTEE

The awards committee will be appointed by the Division Chief assigned as the chairperson to serve for a period of at least one (1) year but no more than two (2) years.

The awards committee will consist of six (6) office employees:

A Chief Deputy, who will act as chairperson,

One (1) sergeant,

Three (3) deputies, and

One (1) non-sworn office employee.

The awards committee is responsible for reviewing all nominations in accordance with the following procedures:

The committee acts in an advisory capacity to the Sheriff who reserves the right to bestow or deny awards recommended by committee vote. The committee will receive current nominations from the Chief of Administrative Services by February 28th. Within fifteen (15) days the committee chair will convene a meeting of the awards committee. All members must be in attendance. The committee will review each nomination, and may call the nominee or witnesses to give evidence. After considering all of the evidence in accordance with the guidelines for each award, the committee will vote to recommend the nominee receive the award, another award or none of the awards.

Four (4) affirmative votes are required to bestow an award. The chairperson will forward all award recommendations to the Sheriff within ten (10) days of the vote. The chairperson will notify all nominees of the Sheriff's final decision and forward the awards decisions to the Chief of Administrative Services with all supporting documents and evidence.

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1028.3.1 AWARDS AND AWARD GUIDELINES
Six (6) awards may be bestowed upon employees of the Skagit County Sheriff's Office:

THE MEDAL OF VALOR: Nominees for this award must be currently employed commissioned Sheriff's Office employees acting within the law and office policy who have performed an act of exceptional meritorious conduct meaning, having distinguished themselves conspicuously by fearlessly risking their own life above and beyond the call of duty.

1. This is an act of bravery and self-sacrifice so conspicuous as to clearly distinguish the individual's action from anyone else's actions under similar circumstances.

2. The nominee(s) acted in a manner that did not unduly jeopardize the mission or any individual.

3. The recipient of the Medal of Valor Award will be entitled to the following:

a. An Executive Order announcing the award and how the award was won.

b. A certificate inside a folder and inscribed with "Medal of Valor Award" that states the act for which the award is bestowed

c. Medal of Valor Award Breast Bar.

d. Medal of Valor Award medallion suspended from a ribbon.

THE POLICE MEDAL: This award is awarded for actions which do not meet the extraordinary requirement for the Medal of Valor Award. Nominees of this award will be sworn Sheriff's Office personnel.

1. The nominee must have:

a. Displayed courage and bravery while undertaking enforcement action on or off duty as part of fulfilling their responsibilities as a law enforcement officer

b. Acted within the law and office policy.

c. Exhibited exceptional courage and bravery.

d. Acted in a manner not specifically required by law or office policy.

e. Acted in a manner that did not unduly jeopardize any mission or individual.

f. Demonstrated use of good judgment.

2. The recipient of the Police Medal Award will be entitled to the following:

a. An Executive Order announcing the award and how the ward was won.

b. A certificate inside a folder and inscribed with "Police Medal Award" that states the act for which the award is bestowed.

c. Police Medal Award Breast Bar.

d. Police Medal Award medallion suspended from a ribbon.

THE PURPLE HEART: Nominees for this award must be sworn Sheriff's Office employees.

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1. The nominee must have:

a. Been killed or seriously injured while performing police duties; or,

b. After being shot, was saved from serious injury or death by their protective body armor.

c. Acted appropriately according to law or office policy.

2. If injured, injury must have:

a. Caused substantial risk of death or serious or prolonged disfigurement or impairment of general health.

b. Required immediate hospitalization.

c. Been caused by the intentional action of another to injure the officer; or,

d. Occurred in a situation where the officer exhausted all reasonable safety precautions or had little or no control over the circumstances.

3. The recipient of the Purple Heart Medal Award will be entitled to the following:

a. An Executive Order announcing the award that states how the award was won.

b. A certificate inside a folder and inscribed with "Purple Heart Medal Award" that states the act for which the award is bestowed.

c. Purple Heart Medal Award Breast Bar.

d. Purple Heart Medal Award Medallion suspended from a ribbon.

THE DEPUTY ALAN HULTGREN MERITORIOUS SERVICE AWARD: Nominees of this award must be current sworn or non-sworn Sheriff's Office employees.

1. The nominee must have:

a. Performed a police service that required exceptional performance in a difficult assignment, investigation or arrest.

b. Acted within the law and office policy.

c. Demonstrated outstanding performance of duty under unusually complicated or hazardous conditions over an extended period of time.

d. Clearly exceeded the normal standards of performance expected of others with comparable duties.

2. The recipient of the Meritorious Service Award will be entitled to the following:

a. An Executive Order announcing the award that states how the award was won.

b. A certificate inside a folder and inscribed with "Meritorious Service Award" that states the act for which the award is bestowed.

c. Meritorious Service Award Breast Bar.

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d. Meritorious Service wall plaque.

THE LIFESAVING AWARD: Nominees for this award must be current sworn or non-sworn Sheriff's Office employees.

1. The nominee must have:

a. Acted within the law and office policy.

b. Acted in a significant manner to save or prolong another's life.

c. Directly assisted in the delivery of a child.

2. The recipient of the Life Saver Award will be entitled to the following:

a. An Executive Order announcing the award and how the award was won.

b. A certificate inside a folder and inscribed with "Life Saver Award" that states the act for which the award is bestowed.

c. Life Saver Award Breast Bar.

d. Life Saver Award wall plaque.

THE ANNE JACKSON AWARD: Nominees of this award may be Sheriff's Office employees, law enforcement officers or the general public.

1. The nominee must have performed an act, achievement, or series of acts that provides a great service to the community, their department or the police profession, above that which is normally required or expected in the performance of their assigned duties.

2. This award is in remembrance of Deputy Anne Jackson's characteristics of teamwork, commitment, thoughtfulness, charity, selflessness, humanity, and humor. Its intent is to serve as a reminder to us of the powerful impact we as individuals can have on those around us.

3. Upon approval, the recipient of the Deputy Anne Jackson Award shall be entitled to the following:

a. Letter of Commendation that gives a detailed description of the act for which the award is to be given.

b. Their name inscribed on the permanent Deputy Anne Jackson Memorial Plaque.

c. Deputy Anne Jackson Award wall plaque

CORRECTIONS DEPUTY OF THE YEAR AWARD: Nominees of this award must be current sworn Sheriff's Office employees and individuals who stand out not only in the quality of their work but also in their dedication to the profession of Corrections and to their fellow co-workers while also giving dedicated service to the citizens of Skagit County.

1. The nominee must have demonstrated the use of excellent de-escalation skills during a complex situation.; or,

2. The nominee demonstrated, through leadership and/or exemplary teamwork, a dedication to his or her fellow co-workers; or,

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3. The nominee has promoted an idea to improve working conditions or an idea that has contributed to a significant cost savings to the jail; or,

4. The nominee has served as mentor for fellow co-workers; or

5. The nominee is regularly involved in community service.

6. Upon approval, the recipient of the Corrections Deputy of the Year Award shall be entitled to the following:

a. A plaque with the recipient's name inscribed. (Crossed jail keys)

b. Recipients name inscribed on the SCCJC Awards Plaque in the lobby of the SCCJC.

c. A letter of Commendation signed by the Sheriff & Chief of Corrections. \

1028.3.2 PROCEDURE FOR SHERIFF'S AWARD
This award permits the Command Staff to recognize substantially superior performance by other employees. Chief Deputy or above may nominate an employee within his/her section who meets the following requirements: Nominees for this award must be a current Sheriff's Office member who has:

1. Demonstrated either through a single event or for a prolonged period, exceptional or superior work performance.

2. Made a significant contribution to Sheriff's Office efficiency or effectiveness as demonstrated by a technical innovation or by a method resulting in significant cost savings.

All nominations for this award must be forwarded to the Sheriff for final approval. Upon approval, the recipient of the Sheriff's Award shall be entitled to the following:

1. Letter of Commendation that gives a detailed description of the act for which the award is being given.

2. A certificate inside a folder and inscribed with "Sheriff's Award".

1028.4 CITIZEN AWARDS
1. **Citizen Service Award**: This award shall be given to any member of the general public who distinguishes him/herself by performance of a heroic act or achievement involving personal hazard with the knowledge of the risk above and beyond that normally expected or required of a civilian.

a. The award shall consist of a certificate, printed on special paper with a green border along with a Sheriff's Office challenge coin.

b. It will include a brief description of the act that qualified the individual for the award.

2. **Citizen Certificate of Appreciation**: The certificate shall be given to any individual, not employed by the Sheriff's Office, who renders service to the community in the interest of better policing, crime prevention, or public safety.

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a. The citizen certificate of appreciation shall consist of a certificate, printed on special paper with a green border along with a Sheriff's Office challenge coin.

b. It will include a brief description of the act that qualified the individual for the award.

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Fitness for Duty

1030.1 PURPOSE AND SCOPE

All deputies are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all deputies of this department remain fit for duty and able to perform their job functions.

1030.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1030.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.

(b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Department to assess options and react responsibly to assure the safety of the employee, other members of the Department and the public, while complying with the employee’s legal rights.

(d) In conjunction with the Shift Sergeant or employee’s available Bureau Chief, 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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1030.4 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.

1030.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Personnel Department to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining health care provider will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. The scope of the requested fitness for duty report shall be confined to the physical or psychological condition that prompted the need for the examination. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) In the event an employee is required to submit to a “fitness for duty” examination as a condition of returning from medical leave required under the Family Medical Leave Act (FMLA), contact Human Resources for direction regarding how to proceed.

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(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.

1030.6 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period, or
- 30 hours in any 2 day (48 hour) period, or
- 84 hours in any 7 day (168 hour) period.

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1030.7 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.

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Meal Periods and Breaks

1032.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all County employees that has been established by the County Commissioners.

1032.1.1 MEAL PERIODS

Patrol deputies will notify dispatch of their location and will continue to monitor their portable radio while on break. Breaks should be staggered in order to insure continuity of operations. No more then two uniformed deputies should be on break together unless they have permission from the shift supervisor. Deputies assigned to particular patrol zones should not leave their zones for meals and breaks unless there is adequate staffing to ensure a quick response to calls for service within their zone.

1032.1.2 BREAK PERIODS

Patrol deputies working 8 or 10 hour shifts are allowed forty-five (45) minutes of break/meal time per shift. Deputies working 11 or 12 hour shifts are allowed one hour (60) minutes of break/meal time per shift. Breaks cannot be taken until after two (2) hours from the beginning of the shift or contiguous with the end of the shift.

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Lactation Breaks

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1033.2 POLICY

It is the policy of the Skagit 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).

1033.3 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.

1033.4 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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Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1033.5 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.

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Payroll Records

1034.1 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.

1034.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

All employees are responsible for the accurate and timely submission of payroll records for the payment of wages. Completed time cards shall be submitted to a supervisor for approval prior to submission to Administrative Services.

1034.1.2 TIME SHEET REQUIREMENTS

All employees are paid in two pay periods per month, from the first day of the month through the fifteenth day of the month and from the sixteenth day of the month through the last calendar day of the month. Pay checks shall be issued no later than 10 days after the conclusion of each pay period, with certain exceptions such as holidays. Time sheets shall be completed and submitted to Administrative Services no later than noon on the last working day at the end of each pay period, unless specified otherwise.

1034.2 RECORDS

The Administrative Services Bureau Chief 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).

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Overtime Payment Requests

1036.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the current Collective Bargaining Agreement (CBA), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1036.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, in accordance with their collective bargaining agreement.

1036.2 REQUEST FOR OVERTIME PAYMENT FORMS

It is the responsibility of each employee to obtain authorization prior to working any overtime. Employees shall submit all overtime payment request forms for verification by their immediate supervisor and then forward them to Administrative Services attached to the appropriate time sheet. Failure to obtain prior authorization or failure to submit a request for overtime payment in a timely manner may result in a denial of compensation.

1036.2.1 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

1036.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the CBA or Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., three hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

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1036.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON SHEET
1 to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

1036.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other deputy, the Shift Sergeant or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

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Outside Employment

1038.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

1038.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department 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 department so that the Department may be reimbursed for the cost of wages and benefits.

1038.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee’s immediate supervisor. The application will then be forwarded through channels to the Sheriff for consideration.

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.

1038.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee’s Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Sheriff within ten days of the date of denial.

If the employee’s appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1038.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at his/her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's

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performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked.

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the employee's regularly assigned duties until the employee has been cleared to return to full duty status.

1038.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which, in its view, would:

(a) Involve the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involve the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

(c) Involve the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involve time demands that would render performance of the employee's duties for this department less efficient or render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1038.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Because it would further create a potential conflict of interest, no member of this Department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Sheriff in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Department.

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(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employees working outside overtime shall be subject to the following conditions:

1. The deputy(s) shall wear the departmental uniform/identification.
2. The deputy(s) shall be subject to the rules and regulations of this department.
3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.
6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

1038.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment and should be reported as time worked on employee time records.

1038.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Chief, 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.

1038.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee’s position with this department.

1038.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict

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of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS.

1038.5 MATERIAL CHANGES OR TERMINATION OF OUTSIDE EMPLOYMENT

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Sheriff through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees are also required to disclose material changes in outside employment that occur after approval of outside employment has been granted by 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.

1038.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor’s orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee’s failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Skagit County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the permit.

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Occupational Disease and Work-Related Injury Reporting

1040.1 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.

1040.1.1 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).

1040.2 POLICY

The Skagit 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.).

1040.3 RESPONSIBILITIES

1040.3.1 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.

1040.3.2 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.

1040.3.3 BUREAU CHIEF RESPONSIBILITIES

The Bureau Chief who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff, the County's risk management entity, and the Administrative Services Bureau Chief 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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1040.3.4 SHERIFF RESPONSIBILITIES
The Sheriff shall review and forward copies of the report to the Personnel Department. Copies of the report and related documents retained by the Office shall be filed in the member's confidential medical file.

1040.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Bureau Chief through the chain of command and a copy sent to the Administrative Services Bureau Chief.

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.

1040.5 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.

1040.5.1 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.

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Personal Appearance Standards

1042.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Skagit County Sheriff's Office. Requirements for office uniforms and civilian attire are addressed in the Uniform Regulations Policy.

1042.2 POLICY

Skagit County Sheriff's Office members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this office and for their assignments. Office personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to members of the Office.

1042.3 GROOMING

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.

1042.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include, but are not limited to, dirty fingernails, bad breath, body odor, and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Sheriff.

1042.3.2 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Dyed, tinted or bleached hair must be within a naturally occurring color range, be of one shade of said color and be professional in appearance. For purposes of this policy, naturally occurring color range does not include unique hair colors such as pink, green, blue, red or purple. For purposes of this policy, naturally occurring color range does not include unique hair colors such as pink, green, blue, red or purple.

Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily for the purpose of securing the hair and must present a professional image.

Hairstyles for male office members must not extend below the top edge of a uniform or dress shirt collar while assuming a normal stance.

When working a field assignment, hairstyles for female office members must not extend below the bottom edge of a uniform or dress shirt collar while assuming a normal stance.

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Longer hair shall be worn up or in a tightly wrapped braid or ponytail that is secured to the head above the bottom edge of the shirt collar.

1042.3.3 MUSTACHES
Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip and shall be short and neatly trimmed.

1042.3.4 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1042.3.5 FACIAL HAIR
A short and neatly trimmed mustache, goatee, or beard may be worn.

A goatee for these purposes is defined as one that connects the mustache to the hair on the chin. A well-groomed goatee not to exceed 1/2 inch in length is allowed but can extend no more than 1/2 inch from the corner of the mouth and should not extend more than one inch below the lower jaw

A beard tha is full and neatly trimmed may be worn. Beard hair must be no longer than 1/2 inch in length and must be worn with a mustache. The top of the beard shall not cover the upper portion of the cheek. The bottom of the beard shall not go below Adam's Apple following the jaw line. The beard must allow for an airtight gas mask and seal during fit testing and actual use.

New beards and goatees shall be started on the beginning of the employees' days off. No patterns or designs may be cut into the beard or hair.

Small patches only, directly below the lower lip are not allowed.

1042.3.6 FINGERNAILS
Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

1042.4 APPEARANCE

1042.4.1 JEWELRY
For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the office member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Necklaces shall not be visible above the shirt collar.

(b) One set of small stud earrings may be worn by uniformed deputies, detectives or special assignment personnel. No additional earrings or earring styles may be worn without permission of the Sheriff or his/her designee.

(c) One ring or ring set may be worn on each hand of the office member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or

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others during a physical altercation, if the member is assigned to a position where that may occur.

(d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(e) Wristwatches shall be conservative and present a professional image.

(f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1042.4.2 TATTOOS

While on-duty or representing the Skagit 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.

Religious tattoos will be reviewed on a case by case basis.

A board of three including one administrator will be established to review visible tattoos and body art if the employee wishes to not cover them while in uniform.

Determination of what is considered offensive will be at the discretion of the Sheriff.

Tattoos which are in violation of this policy shall be covered.

1042.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the Skagit County Sheriff's Office in any official capacity, that is a deviation from normal anatomical features and that is not medically required, is prohibited. 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 (e.g., foreign objects inserted under the skin to create a design or pattern).

(c) Abnormal shaping of the ears, eyes, nose or teeth (e.g., enlarged or stretched out holes in the earlobes).

(d) Branding, scarification, or burning to create a design or pattern.

1042.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Skagit County Sheriff's Office in any official capacity. Such ornamentation includes but is not limited to:

(a) Objects that are bonded to front teeth.

(b) Gold, platinum, or other veneers or caps used for decorative purposes.

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(c) Orthodontic appliances that are colored for decorative purposes.

1042.4.5 GLASSES AND CONTACT LENSES
Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Skagit County Sheriff's Office in any official capacity.

1042.4.6 COSMETICS AND FRAGRANCES
Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion, and other items used for body fragrance shall be kept to a minimum.

1042.4.7 UNDERGARMENTS
Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

1042.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of office members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Sheriff should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves, simple head coverings, certain hairstyles, or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

1042.6 EXEMPTIONS

Members who seek an exemption to this policy protected by law (e.g., culturally protective hairstyles) should generally be accommodated (RCW 49.60.040; RCW 49.60.180). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Sheriff should be advised any time a request for such an accommodation is denied or when a member with an exemption is denied an assignment based on a safety or security risk.

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General Standards

1043.1 DUTIES AND RESPONSIBILITIES
Employees shall respond to the lawful orders of a supervisor or an administrator and other proper authorities as well as calls for police assistance from citizens.

The delegation of specific enforcement to specialized units within the Sheriff's Office (i.e. Traffic, K9, Directed Patrol, Drug Task Force) does not relieve members of other units from the responsibility of taking prompt, effective police action within the scope of those laws and ordinances when the occasion so requires.

Employees assigned to specific duties are not relieved from taking proper action outside the scope of their duties as required or directed by law, office rule or by order of a supervisor or administrator.

1043.1.1 VIOLATION OF RULES
Employees shall not commit any act or omit any act that constitutes a violation of any of the rules, regulations, directives or orders of the Sheriff's Office.

1043.1.2 UNBECOMING CONDUCT
At no time shall employees conduct themselves in a manner that may bring discredit upon the Sheriff's Office or that may impair the effective operation of the office.

1043.1.3 KNOWLEDGE OF LAWS AND RULES
Employees are to be familiar with and maintain a working knowledge of laws and ordinances in force in Skagit County and the rules, orders, procedures and standards of the Sheriff's Office.

1043.1.4 CONDUCT TOWARD OTHER EMPLOYEES
Employees shall treat administrators, supervisors, subordinates and associates with respect. They shall be courteous and civil at all times in their relationship with one another.

When on duty in the presence of the public deputies should be referred to by rank.

1043.1.5 COURTESY
Employees shall be courteous to the public.

Employees shall control their tempers and not engage in argumentative discussions.

Employees shall not use coarse, violent, profane or insolent language or gestures.

Employees shall not express personal prejudice concerning race, religion, sex, politics, nationality, lifestyle or personal characteristics.

1043.1.6 PROVIDING NAME AND ID NUMBER
Employees shall politely give their name, rank and identification number to any violator or other person when requested to do so, unless such action is likely to jeopardize the successful completion of an investigative assignment.

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1043.1.7 LOITERING

All employees on duty or in uniform shall not enter taverns, theaters or other amusement places except while performing a law enforcement function.

Employees off duty shall not disrupt the activities of on duty personnel.

Deputies are not prohibited from eating in restaurants serving liquor, however uniformed staff will not eat in lounge areas.

1043.1.8 NEGLECT OF DUTY

Employees shall not read, play games, watch television or movies, or otherwise engage in entertainment while on duty, except as may be required in the performance of duty.

Employees shall not engage in personal business that would cause them to neglect or be inattentive to duty

1043.1.9 TRUTHFULNESS

All employees shall be truthful when testifying, making reports and conducting any Sheriff's Office business, correspondence, written or verbal, which could be construed as Sheriff's Office Business.

1043.1.10 MISUSE OF PRIVILEGED INFORMATION

Employees shall not use information gained through their employment for their personal benefit or the benefit of others.

1043.1.11 PUBLIC APPEARANCE REQUESTS

Employees are encouraged to honor requests for public appearances. However, clearance will be obtained from the employee's supervisor prior to the engagement.

Employees shall not allow their names or photographs to be used in any commercial testimonial that alludes to their position or employment with the Sheriff's Office without prior approval of the Sheriff.

1043.1.12 POLITICAL ACTIVITY

Sheriff's Office employees shall not participate in political activity on county time, use Sheriff's Office facilities or influences in political activities.

Employees may not attend any political activity while on duty, except in the performance of their duties.

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Uniform Regulations

1044.1 PURPOSE AND SCOPE

The uniform policy of the Skagit 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.

1044.1.1 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).

1044.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this office shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the office's uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official office functions or events.

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(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the office uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Office uniform.

(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or his/her designee.

1. Wrist watch.
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
3. Medical alert bracelet.

1044.2.1 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 Bureau Chief.

1044.3 UNIFORM CLASSES

1044.3.1 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.

Boots with pointed toes are not permitted.

1044.3.2 CLASS B UNIFORM

All deputies will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required.

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(b) A white, navy blue or black crew neck t-shirt must be worn with the uniform.

(c) All shirt buttons must remain buttoned except for the last button at the neck.

(d) Shoes for the Class B uniform may be as described in the Class A uniform.

(e) Approved all black unpolished shoes may be worn.

(f) Boots with pointed toes are not permitted.

1044.3.3 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.

1044.3.4 SPECIALIZED UNIT UNIFORMS
The Sheriff may authorize special uniforms to be worn by deputies in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Deputies and other specialized assignments.

1044.3.5 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1044.4 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.

(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.

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(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.

1044.4.1 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.

1044.5 CIVILIAN ATTIRE

There are assignments within the Office that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone.
2. Open toed sandals or thongs.
3. Swimsuit, tube tops, or halter-tops.
4. Spandex type pants or see-through clothing.
5. Distasteful printed slogans, buttons or pins.

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(e) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Skagit County Sheriff's Office or the morale of the employees.

1044.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, Skagit 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 Skagit 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.

1044.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the 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).

1044.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Skagit 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.

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Skagit 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.

1044.9 POLICY

The Skagit 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.

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Nepotism and Conflicting Relationships

1048.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1048.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1048.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department does not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender, or who engages in serious violations of state or federal laws.

1048.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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1048.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations, whenever possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

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Domestic Violence Involving Law Enforcement Employees

1050.1 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).

1050.1.1 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.

1050.2 OFFICE RESPONSIBILITIES

The Skagit 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 Skagit 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 Skagit 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 Skagit 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 Skagit 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 Skagit County Sheriff's Office employees who are alleged victims of violence at the hands of sworn employees of the Skagit 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 Skagit 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.

1050.2.1 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.

1050.2.2 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 Skagit 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 Internal Affairs 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 Skagit County Sheriff's Office provides appropriate reports and any other requested documentation to the employing agency.

1050.2.3 DOMESTIC VIOLENCE SPECIALIST RESPONSIBILITIES

(a) In all instances of law enforcement domestic violence, the Domestic Violence Specialist or the Domestic Violence Unit Supervisor shall:

1. Review the report and assign the criminal investigation or coordinate with the agency of jurisdiction.
2. Coordinate with the appropriate prosecutor's office regarding charging and prosecution.
3. Coordinate with the appropriate domestic violence advocacy organization to assist with victim safety concerns. Victim notification of each step of the administrative process is critical to victim safety.

(b) All completed investigations of domestic violence that reveal probable cause of a crime committed by any agency sworn employees or the agency head shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.

(c) For all situations involving an employee of this office, the Domestic Violence Specialist or Domestic Violence Unit Supervisor shall:

1. Contact the victim.
2. Introduce the point of contact.
3. Provide an update regarding the administrative process.

1050.3 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 Internal Affairs Unit as soon as possible, but no later than 24 hours. Failure to report may subject the employee to disciplinary action.

(c) Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.

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(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 Internal Affairs Unit 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 Internal Affairs Unit, 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.

1050.4 INCIDENT RESPONSE

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation, and a complete written report by this office (RCW 10.99.030). These incidents additionally require:

(a) On-scene supervisory presence.

(b) Notification through the chain of command to the Sheriff of this office; and if the incident involves employees of another agency, notification of the agency head of the employing agency.

(c) The Sheriff may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated the Domestic Violence Specialist or Domestic Violence Unit should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The point of contact or unit supervisor should review each referral for any potential conflict of interest

(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.

1050.4.1 RADIO RESPONSE

Employees of Skagit 911 will ensure the following actions are taken:

(a) Enter a call for service.

(b) Notify the Shift Sergeant or appropriate supervisor. If no supervisor is available to respond to the scene, communications will notify an on-call supervisor or supervisor from another agency.

(c) Prepare and preserve documentation of the facts of the call, including the 9-1-1 tape.

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1050.4.2 PATROL RESPONSE

A patrol deputy responding to an incident described as domestic violence involving a law enforcement officer should, whenever possible, request a supervisory response.

(a) The primary unit will conduct a thorough investigation, including, but not limited to:

1. Photographs of the crime scene and any injuries identified.
2. Statements from all witnesses, including children, if any.
3. The Domestic Violence Supplemental Report Form.
4. Seizure of any weapons used or referred to in the crime.
5. Signed medical releases.
6. Copies of dispatch (CAD) records.
7. 9-1-1 call recording preserved.
8. Statement of the victim; statement of the suspect.
9. Determine if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
10. Complete the report as soon as possible, but prior to the completion of their shift.

(b) Patrol units responding to suspicious circumstances, compelling third-party accounts of incidents, unexplained property damage, 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.

1050.4.3 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

(a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this office regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.

(b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Skagit 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.

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(e) In the event of the arrest of a sworn employee of the Skagit County Sheriff's Office, contact the Sheriff who will order the surrender of the deputy's Office-issued weapons and identification. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.

(f) In the event of the arrest of a sworn employee of another agency, contact that agency prior to custody transport and request authorization to seize that employee's agency-issued weapons or arrange for the employing agency to obtain them.

(g) Endeavor to make a good faith effort to locate the suspect if there is probable cause for an arrest.

(h) Explain the process to the victim, including the opportunity for applicable emergency protection orders, administrative no-contact orders, and confidentiality statutes and policies.

(i) Provide the victim with a copy of this policy and SCSO contact information, acting as the point of contact until another assignment is made.

1050.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Skagit 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.

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

(f) The Skagit 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.

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Department Badges

1052.1 PURPOSE AND SCOPE

The Skagit County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Skagit County Sheriff's Office are the property of the Department and their use shall be restricted as set forth in this policy.

1052.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1052.2.1 FLAT BADGE

The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) Should the flat badge become lost, damaged, or otherwise removed from the [officer_deputy]’s control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.

(b) An honorably retired deputy may keep his/her flat badge upon retirement.

(c) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1052.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Records Clerk, Civil Deputy, Evidence Deputy).

Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1052.2.3 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.

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1052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Sheriff.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Skagit County Sheriff's Office. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the initials of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

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RESIDENCY REQUIREMENTS

1053.1 ADDRESS OF RESIDENCY AND VITAL INFORMATION

All employees are required to keep their current address on file with the Administrative Services Division within the Sheriff's Office.

Employees will promptly notify the Chief of Administrative Services if their address changes.

Notification should be made no later than the twenty-four (24) hours after the move, and is still necessary when the change of address is temporary.

In addition the following information shall be provided the Chief of Administrative Services as soon as possible:

1. Date of Marriage,
2. Name and Social Security Number of Spouse,
3. Name change,
4. Copy of new Social Security card,
5. Date of Divorce,
6. Birth or Adoption of child,
7. Loss of Dependant.

1053.1.1 TELEPHONE REQUIREMENT

All employees must have a telephone in their residence so that they can be contacted in case of an emergency.

Employees must provide a current phone number to the 911 Center and the Administrative Service Division and notify the division chief promptly of any changes in the number.

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Temporary Modified-Duty Assignments

1054.1 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.

1054.2 POLICY

Subject to operational considerations, the Skagit 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.

1054.3 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 Skagit 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.

1054.4 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 Bureau Chiefs 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 Bureau Chief will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the Office and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Personnel Department or the County Prosecutor as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Sergeant or Bureau Chief, with notice to the Sheriff.

1054.4.1 MODIFIED DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Bureau Chief.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1054.4.2 ACCOUNTABILITY

The employee's supervisors shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Bureau Chief apprised of the employee's status and ability to perform the modified duty assignment. Modified duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Bureau Chief with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Sheriff.

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(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Bureau Chief and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1054.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1054.5 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 Bureau Chief.

1054.5.1 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 Bureau Chief that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1054.5.2 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 Bureau Chief of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Bureau Chief 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.

1054.6 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.

1054.7 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.).

1054.7.1 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.

1054.8 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.

1054.9 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.

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Speech, Expression, and Social Networking

1058.1 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 Skagit 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.

1058.2 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 Skagit 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.

1058.3 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 Skagit 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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1058.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Skagit 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 Skagit 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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1058.4.1 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 Skagit 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 Skagit 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).

1058.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, 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).

1058.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or the authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

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(b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Office.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

1058.7 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.

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Line-of-Duty Deaths

1059.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Skagit 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.

1059.1.1 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.

1059.2 POLICY

It is the policy of the Skagit 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.

1059.3 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 Shift Sergeant and Skagit 911.

  1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Shift 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 Shift 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).

1059.4 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, Shift 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 Skagit County Sheriff's Office members may be apprised that survivor notifications are complete.

1059.4.1 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.

1059.5 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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1059.6 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.

1059.6.1 OFFICE LIAISON

The Office Liaison should be a Bureau Chief 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.

1059.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).

(b) 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.

(c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Skagit County Sheriff's Office members (except for members who may be guarding a suspect).

(d) Arrange for survivors to receive timely updates regarding the member before information is released to others.

(e) 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.

(f) Stay with survivors and provide them with other assistance as needed at the hospital.

(g) If applicable, explain to the survivors why an autopsy may be needed.

(h) Make arrangements for hospital bills to be 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 their actions at the conclusion of duties.

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1059.6.3 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.

The Survivor Support Liaison should be selected by the deceased member's Bureau Chief. 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.

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(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.

(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.

1059.6.4 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.

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(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.

(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.

1059.6.5 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).

1059.6.6 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:

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(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Skagit 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.

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).

1059.6.7 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 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.

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(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.

1059.6.8 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.

1059.7 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.

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(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 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.

1059.8 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.

1059.9 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.

1059.10 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.

1059.11 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.

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Anti-Retaliation

1060.1 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.

1060.2 POLICY

The Skagit 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.

1060.3 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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1060.3.1 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).

1060.4 COMPLAINTS OF RETALIATION

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

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.

1060.5 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.

1060.6 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.

1060.7 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 Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.

1060.7.1 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).

1060.8 RECORDS RETENTION AND RELEASE

The Chief of Administrative Services shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1060.9 TRAINING

The policy should be reviewed with each new member.

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

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Attachments

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Skagit County Sheriff SCOPE Policy and Procedure Manual.pdf

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SHERIFF'S COMMUNITY ORIENTED POLICING EFFORT MANUAL
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INTRODUCTION

This manual is an official publication of the Skagit County Sheriff's Office (hereafter referred to as Department). It is issued with the authority of the Sheriff and contains the policies, procedures, regulations, and basic requirements of the partnership between the Skagit County Sheriff's Office and Sheriff's Community Oriented Policing Effort (hereafter referred to as SCOPE).

This manual does not contain a policy or procedure for every situation; however, serves as a guide to assist in the operation and organization of SCOPE. Where the manual is silent on an issue, it is expected that common sense, supported by training and experience, will be applied. When in doubt how to manage a situation, assistance from a supervisor is expected.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

SCOPE DEFINED

SCOPE is an extension of the Department's community policing efforts. This organized group of trained volunteers works with deputies to improve safety and deter criminal activity. SCOPE travels the County Roadways and reports any suspicious activity or problems detected.

ELIGIBILITY

Adults over 19 years of age, who have successfully completed the Sheriff's Office Volunteer Training Program, as well as any additional Department-required training, are eligible to become SCOPE members. No person will be disqualified because of race, color, creed, national origin, religious belief, gender, or sexual orientation.

Persons may be disqualified at the discretion of the Sheriff, or designee, for reasons such as, but not limited to, criminal activity, excessive traffic violations, or actions compromising the integrity or credibility of the Department or Program.

Applicants must abide by all SCOPE rules, regulations, and procedures, and sign a statement of agreement prior to becoming a member.

OBJECTIVES

- Empower citizens to take ownership of their community.
- Increase law enforcement visibility in neighborhoods.
- Bring law enforcement services closer to the community.

PURPOSE

SCOPE is one of the commitments to our goal of reducing crime and improving the quality of life through an outreach program that enables volunteers to serve their community and act as a liaison between law enforcement and the citizens of Skagit County.

REPORTING SUSPICIOUS OR ILLEGAL ACTIVITY

Serving as additional eyes, ears, and problem solvers while on patrol, SCOPE members provide timely information, enabling deputies to respond to crimes in progress, prevent crimes from occurring, or apprehend criminals.

SCOPE is an effective approach in addressing crime and disorder, and an opportunity for citizens, as an extension of the Department, to help improve quality of life in the community.

ROLES AND RESPONSIBILITIES

SCOPE LEADERSHIP

The Department will maintain a list of names and emergency telephone numbers of all volunteers, along with a copy of their signed Volunteer Agreements.

An Activity Log of all SCOPE actions will be kept, and will include the following information.

- Date and time of action
- Brief description of incident and significant occurrences (if any)
- Involved volunteers

SKAGIT COUNTY SHERIFF'S OFFICE

The Department will provide SCOPE all items necessary to do their job. This includes training, vehicles, flashlights, traffic safety vests and means of communication.

Department personnel will respond to SCOPE requests for service in the same manner they respond to any call from a patrol unit.

REQUIREMENTS

QUALIFICATIONS

- Graduate of the Skagit County Sheriff's Office Volunteer Training Program.
- Successful completion of additional training
- Valid Washington State Driver's License
- Driving record and history acceptable to the Department
- Pass a background check
- Pass a yearly commentary drive
- Commitment to patrol two four-hour shifts every month
- Attend mandatory training sessions

PHYSICAL REQUIREMENTS

The ability to perform as follows (even in inclement weather).

- **Stand** for an extended period (i.e., conducting traffic control; patrolling various events)
- **Sit** for up to four hours
- **Walk** a minimum of four to five blocks at a time
- **Lift/Carry** up to 50 pounds (traffic barricades, boxes, records, etc.)
- **Push/Pull** carts containing files or packages, and general arm mobility
- **Reaching** – Placing/removing items from trunk, reaching for microphone, etc.
- **Handling** – Records files, packages or office materials and equipment
- **Dexterity** – Using computer, writing, lighting road flares, driving vehicle, etc.
- **Kneel** and return to a standing position
- **Crouch** and return to standing position
- **Drive** – Operate a motor vehicle for an extended length of time
- **Bend** to retrieve something from the ground and return to standing position
- **Twist** head and body to check ahead, behind, left, and right when driving, as well as general mobility while directing traffic
- **Climbing** – To reach higher shelves when filing or placing packages, and climbing stairs where appropriate.
- **Balancing** – Shelving and carrying materials, or equipment.
- **Vision** - See clearly when behind the wheel of a motor vehicle (day or night), conduct traffic control, etc.
- **Hear** well enough to listen to instructions, understand police radio traffic, and interact with the general public.
- **Speaking** – Direct verbal communication with the public and when on the police radio.
- **Communicate** via the police radio and interact with the public

PROCEDURE FOR SCOPE PATROL VOLUNTEERS

When reporting for duty, SCOPE Members will

- Check into service with Dispatch prior to deployment
- Patrol in pairs unless otherwise approved by the Chief of Field Services.
- Carry a portable radio and cellular telephone while on patrol
- Wear identification badges while conducting SCOPE-related business
- Wear designated SCOPE clothing **only** when conducting SCOPE-related business

While on patrol, SCOPE members agree to

- Obey all traffic laws while driving a Department vehicle.
- Remember they are not deputies and have no police authority.
- Refrain from attempting to enforce any laws or engage in the pursuit of any person or vehicle.
- Refrain from attempting to arrest or detain any individuals.

- Remain calm, back away from any confrontation and not demand information.
- Observe only and report what has been witnessed.
  Remain at least one-half block away from any call unless otherwise directed by the deputy in charge.
- Abide by the law enforcement related requests of on-duty deputies.
- Carry no weapons (to include mace products) while on patrol.
- Refrain from consuming alcohol or drugs that may affect judgment or mobility while "on duty."
- Consume no alcohol, or drugs that may affect judgment or mobility, within 12 hours of reporting for duty.
- Notify on-duty supervisor of any alcohol consumption when contacted for an unscheduled callout.
- Wear the identified SCOPE clothing only while on SCOPE-related business.
- Carry some form of notebook to record pertinent data and a flashlight during times of darkness.
- Complete all required training.
- Allow only SCOPE members or Department employees to ride in a Department vehicle unless otherwise approved by a supervisor.

TRAINING

Volunteers will complete "Basic Training," taught by Department personnel and guest instructors, before becoming an active SCOPE member. Ongoing annual training will address issues that arise during the operation of SCOPE.

Classroom training includes the following.

- SCOPE Overview and Purpose
- SCOPE Requirements
- Patrol Procedures
- Personal Safety
- Identifying Suspicious Activities
- Calling for Assistance
  - Effective Use of Radios and Cellular Telephones
  - 9-1-1 Communications
- Crime Prevention
- Community Policing: Block Watch
- Problem Solving
- Report Writing
- First Aid Training
- Bloodborne Pathogens
- County Codes
- Basic Driving Skills
- Direction of Traffic, Cone Patterns, and Setting Flares
- Fire Extinguisher Training
- Patrol Logistics
  - Scheduling
  - Record Keeping

    - Equipment Use
- Department Organizational Values and Cannons of Ethics
- Department Vision, Mission, Goals, and Values
- Department Policing Philosophy
- SCOPE Policy and Procedures

LIMITATIONS

SCOPE members are not police officers and shall **NOT** take any type of enforcement action.

SCOPE members are not County employees and shall refrain from implying they are or portraying themselves as such.

SCOPE members shall **NEVER** place themselves or become involved in a dangerous or confrontational situation. If this should inadvertently occur, members shall immediately back away and notify dispatch via radio or cell phone (360) 428-3211.

Although SCOPE members may possess a Concealed Weapons Permit, carrying any type of weapon while volunteering is prohibited.

SCOPE members will neither stop or detain anyone, nor make or attempt to make an arrest.

SCOPE members shall direct traffic ***only*** after receiving proper training and as directed by a deputy. SCOPE members will wear safety vests whenever they are involved in traffic control. If a SCOPE member witnesses or discovers an accident, he/she should notify dispatch and protect the scene.

FIRST AID AND SAFETY

The Skagit County Sheriff's Office is committed to protecting the health of its employees and volunteers. Members shall report all personal injuries to the on duty supervisor as soon as possible.

Although SCOPE members are considered "good Samaritans" and are not required to perform first aid or expected to clean up blood or other bodily fluids, the following information is important.

"Bloodborne Pathogens" are defined as pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

If you choose to assist in an emergency, remember…

Think First!
- If possible, help injured persons help themselves

Use Universal Precautions!
- Avoid contact with blood or bodily fluids.
- Consider all blood and bodily fluids infectious.

- Wear personal protective equipment (gloves, face shields, CPR barrier masks) to prevent contact with blood or other potentially infectious materials.

Personal protective equipment is located in the First Aid Kit in the SCOPE vehicle. SCOPE members will make sure the kit is restocked after every use. If members are exposed to the blood or bodily fluids of another, confidential medical follow-up is available.

SCOPE members shall report all on-duty injuries, illnesses, or possible bloodborne pathogen exposures to the on-duty supervisor, as soon as possible.

MEMBER IN GOOD STANDING – A SCOPE member that has fulfilled his/her commitment of driving two four-hour shifts per month and who has attended all required meetings/trainings.

SCOPE VEHICLES

Only Department employees and SCOPE members who possess a valid Washington State driver's license may drive SCOPE vehicles.

Unless approved by a supervisor, only SCOPE members and Department employees are permitted to ride in SCOPE vehicles.

Accidents involving or damage to SCOPE vehicles must be immediately reported to the on-duty supervisor and a memo directed to the Chief of Field Services written prior to going off shift.

SUPERVISION

SCOPE members report to the on-duty supervisor of the Division in which they are volunteering. The Division Chief oversees the Volunteer SCOPE Programs that would fall within their division. The Designated Supervisor shall oversee individual program activities and serves as the liaison between staff and members.

COMMUNICATION

SCOPE members shall address questions, concerns, or complaints about the Program to the Designated Supervisor. If the issues are not resolved, the member may contact the Division Chief responsible for the volunteer program. Nothing in this policy shall prevent any SCOPE member from discussing a problem of sexual harassment or any other discriminatory activity with his/her immediate supervisor.

SCOPE CHAIN OF COMMAND

- Sheriff
- Undersheriff (Volunteer Coordinator)
- Division Chief
- Designated Supervisor
- Designated Deputy

ADVISORY BOARD

The Advisory Board, consisting of the Undersheriff or his/her designee, the Designated Supervisor, the Designated Deputy and two active members of SCOPE, is the governing body of the Sheriff's Community Oriented Policing Effort. Each member will serve a two-year term, with position rotations occurring in January. The Designated Supervisor serves as the Advisory Board Chairperson.

DRESS CODE

While on-duty outside the police facility, members shall wear SCOPE jackets (or traffic safety vests) with official photo ID cards visible. Department-issued identification cards should be chest high with the picture face out.

The following clothing may be worn when working in an official capacity.

- Jeans or slacks
- Clean shirt, blouse, or Department polo (SCOPE, SCSO Training, etc.)
- Sweater
- Department-provided hat

SCOPE equipment shall be used and SCOPE identification worn only when conducting official Department business.

Members may dress casually when performing assigned duties within the police facility.

HOURS

SCOPE Patrol members are asked to commit to two four-hour shifts per month. If unable to report as assigned, members must notify their partner as soon as possible.

Hours shall be recorded and maintained at the Department.

MEMBER EXPECTATIONS

COMPETENT

Acquainted with the law, knowledgeable in areas of responsibility, confidence-inspiring and able to perform SCOPE duties.

COMMUNITY RESOURCE

The SCOPE personnel will strive to enhance community safety and security through programs of crime prevention and education with active involvement in these efforts. The program is committed to providing qualified and trained volunteers to augment filed operations in serving the needs of citizens of the various communities throughout Skagit County.

HONEST

Committed to integrity, courtesy, and service. Ability to acknowledge and learn from mistakes, be realistic, and accept limitations.

PROFESSIONAL

SCOPE members are expected to be motivated and have a sense of responsibility to the community. SCOPE members will, at all times, represent the Department in a professional manner. SCOPE members are not County employees and shall refrain from implying they are or portraying themselves as such.

ACCOUNTABLE

SCOPE members are expected to know and abide by the standards advocated by the Department. They are expected to be on time, reliable, and considerate toward fellow members, the Department, and the community.

Monitoring and regulating behavior is the "bottom line" in volunteer accountability. SCOPE members must be accountable for both their own behavior as well as the behavior of co-workers.

OBEDIENCE OF RULES

SCOPE members shall not commit any act that constitutes a violation of rules, regulations, procedures, and/or specific training received regarding Department Policy and Procedures.

OBEDIENCE OF LAWS

SCOPE members shall obey all federal, state, county and municipal laws.

UNBECOMING CONDUCT

SCOPE members shall, both on and off duty, conduct themselves in a manner which does not discredit the SCOPE Program, the Department, or the County; bring disrepute or unnecessarily endanger the public’s trust or confidence in the Department or SCOPE members; and/or impair the operation and efficiency of the Department or other SCOPE members.

ETHICAL CONDUCT

SCOPE members will conduct their personal and business affairs consistent with the standards expected of law enforcement personnel. SCOPE members shall not participate in any activity or incident that involves unethical behavior, impairs their ability to perform as SCOPE members, or causes the Department disrepute.

DOMESTIC VIOLENCE

This Department has zero tolerance regarding domestic violence. All SCOPE members are expected to maintain the highest level of ethical behavior, including their treatment of family members and domestic partners. It is the purpose of this section to establish a process for the reporting and handling of matters of domestic violence and abuse involving SCOPE members.

SCOPE members are required to

- Report domestic violence involving coworkers. This includes violence toward children and the elderly.
- Cooperate with an investigation of a coworker involved in domestic violence.
- Not to interfere with the investigation of domestic violence
- SCOPE members will be asked about domestic violence history and are required to report any investigations, arrests or court orders they are involved in.

All reported domestic violence, child abuse and elderly abuse will be thoroughly investigated.

SEXUAL HARASSMENT

It is the policy of this Department to provide a harmonious work environment free from discrimination and intimidation. This Department will not tolerate any form or degree of sexual harassment or harassment based on race, color, creed, religion or national origin. Such harassment, whether malicious or not, is grounds for removal from the SCOPE Program.

It is the Department's policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the County will not tolerate harassment of any kind that is made by employees toward co-workers or members of the public. Employees are expected to show respect for each other and the public at all times, despite individual differences.

Sexual harassment is a form of sex discrimination and is illegal. Sexual harassment is also inappropriate and offensive and will not be tolerated by the Department.

Sexual harassment is behavior of a sexual nature which is unwelcome. Any deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature by any employee which are unwelcome to the recipient or which cause the recipient discomfort or humiliation or which interfere with the recipient's work performance shall be considered sexual harassment. Examples of such conduct may include verbal behavior such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; non-verbal behavior such as suggestive looks and leering;

and physical behavior such as pats or squeezes, or repeatedly brushing against someone's body.

SCOPE members found to have engaged in sexual harassment will be terminated.

GIFTS/GRATUITIES

"Gift or gratuity," as used herein, includes but is not limited to food, beverages, money, property, loans, promises, services and/or entertainment. While on duty, SCOPE members shall neither solicit nor accept gifts or gratuities from any person, business, or organization.

ABUSE OF POSITION

SCOPE members shall not use their official position or identification card for

- Personal or financial gain
- Obtaining privileges otherwise unavailable to them
- Avoiding consequences of illegal acts

Volunteers shall not lend their identification card to others, nor permit their identification card to be reproduced.

Unless prior approval of the Sheriff has been obtained, volunteers shall not permit the use of their names, photographs or official titles in testimonials or advertisements of any commodity or commercial enterprise if such use identifies the person as a member of the Department.

- Volunteers shall not use the Department's name or address for other than official purposes.
- Volunteers shall not authorize the use of the Department's name, any Department address or their official titles on any personal correspondence including personal checks, credit cards and other items deemed for personal use, without the prior approval of the Sheriff.

FRIENDS AND ASSOCIATES

Except as required in the performance of official duties or, in the case of immediate relatives, SCOPE members shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender, or who engages in serious violations of state or federal laws.

PUBLIC STATEMENTS AND APPEARANCES

SCOPE members shall not publicly criticize or ridicule the Department, its policies, or others by speech, writing or other expression, where this is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline or is made with reckless disregard for truth or falsity.

SCOPE members shall not address public gatherings, appear on radio or television, lecture on police or other related subjects, prepare any articles for publications, act as correspondents to a newspaper or periodical, release or divulge investigative

information, or any other matters of the Department while portraying themselves as having an official capacity in such matters without the approval of the Sheriff.

COURTESY

While on-duty, SCOPE members shall

- Be courteous and tactful
- Be patient
- Exercise discretion
- Control their temper
- Not become argumentative - even in the case of extreme provocation
- Not use coarse, violent, profane, or insolent language or gestures
- Not make derogatory comments or express personal views regarding race, religion, politics, nationality, gender, lifestyle, or other characteristics

ALCOHOL USE

Alcohol is not allowed while on duty, nor shall members appear for duty while under the influence or with an odor of intoxicants on their breath.

SMOKING

Smoking is not allowed within 25 feet of any County building, in any County vehicle, or while on duty except during an official break.

STAFFING

During normal patrols, SCOPE members will conduct business in pairs and are responsible for one another's safety. In addition to providing a safer environment, the "Buddy System" helps prevent accusations of wrong-doing. Members are encouraged to communicate and share their observations. Discussing situations as they arise may circumvent problems.

There may be occasions where SCOPE members are authorized to work alone; however, only upon prior approval of the Designated Supervisor.

To be eligible for "solo" assignments, SCOPE members must

- Be in good standing
- Have performed at least 100 hours of service
- Complete required training and have experience pertaining to the assignment
- Have been assigned a specific and approved assignment.

ON-VIEWED INCIDENTS

There may be times when SCOPE members witness an incident requiring police action. It is imperative every SCOPE member knows and understands he/she has **NO POLICE POWERS, SHALL NEVER TAKE ENFORCEMENT ACTION, NOR ATTEMPT TO DETAIN OR ARREST ANY INDIVIDUAL.**

SCOPE members are witnesses and expected to respond as such. If a member views a crime in progress, he/she should write down pertinent information to include, but not limited to:

- License plate numbers and description of vehicles (color, make, model, damage, unusual markings, etc.).
- Suspect description from head to toe (race, sex, age, height, weight, hair color/length, beard, mustache, clothing).
- Time exact location, location of potential witnesses and direction of travel.

If SCOPE members observe what they believe to be a crime in progress or that one has just occurred, **THEY SHALL NOT GET INVOLVED**. Members should move to a safe location; contact 911, providing as much information as possible; remain in the area until the responding officer arrives and tell him/her what you observed.

Incidents that lead you to call may include, but are not limited to:

- Any crime in progress
- Persons running from an alarm
- Fights
- Hit and run
- Suspicious activity
- Someone asks you to contact the police

SUSPICIOUS ACTIVITY

Any inappropriate or out of the ordinary behavior may be considered suspicious activity. Following are some examples:

SUSPICIOUS VEHICLE ACTION	POSSIBLE ACTIVITY
Slow moving vehicle – no lights	Casing a neighborhood
Loaded with valuables parked near a closed business or unoccupied residence	Burglary in progress
Abandoned vehicle	Stolen vehicle
Individual being forced into a vehicle	Kidnap, assault, attempted rape
Individual trying to enter locked vehicle	Vehicle prowl or car theft
Individual detaching vehicle parts or accessories	Theft or vandalism in progress
Consistent vehicle/pedestrian traffic at all hours – remaining very short time	Drug sales or distribution

SUSPICIOUS PERSON ACTION	POSSIBLE ACTIVITY
Going from door to door - especially if going to back of residence	Casing residence – burglary in progress
Loitering near house or business – especially if unoccupied	Casing area – burglary in progress
Running while carrying items	Suspect fleeing scene of burglary or theft
Screaming/yelling for help	Kidnapping, rape, assault
Selling items at a very low price	Sale of stolen property
Going door to door with unusual requests – especially in sparsely populated areas	Casing house or attempting entry to burglarize or rob residence
Remains in an area - short contacts with others where something is exchanged	Sale of illegal narcotics
Sits in restaurant or other public area – joined briefly by others	Sale of illegal narcotics

If your intuition tells you something isn't right, contact Dispatch via radio or telephone (428-3211) and report your suspicions. It's better to discover nothing is wrong than to allow a crime be committed or people injured.

TERMINOLOGY

SCOPE members must be clear and accurate when communicating on-duty and should have a working knowledge of the following terminology used by police officers and dispatchers.

Assault	To cause or attempt to cause injury
Burglary	Unlawful entry of a dwelling or residence with intent to commit a crime.
Domestic Assault Or D.V.	Assault between family or household members, adults who reside or have resided together in the past, have a child in common, or are in a dating relationship
Theft	Theft of property other than by burglary or robbery (pick pocketing shoplifting, etc.)
Robbery	Taking personal property forcefully, or with imminent threat of force, with intent of depriving rightful owner of the property
Malicious Mischief	Destruction or defacing of property (graffiti, broken window, etc.)
Vehicle Prowl	Theft ***from*** a vehicle
Motor Vehicle Theft	Theft ***of*** a vehicle

CITIZEN COMPLAINTS AND COMMENTS

The responsible Division Chief will review all comments and complaints regarding the conduct of SCOPE members and coordinate any follow-up action with the Designated Supervisor SCOPE members should notify their SCOPE Supervisor of any citizen comments (positive and negative).

PARKING

While on-duty, volunteers may park personal vehicles in the designated parking area.

EXPENSE REIMBURSEMENT

The responsible Division Chief must pre-approve all SCOPE related expenses.

EXIT INTERVIEW

The Undersheriff or his/her designee will conduct an exit interview with any SCOPE member leaving the program.

PHONE DIRECTORY

A list of current SCOPE member phone numbers will be provided. Any member who does not want his/her phone number included should notify the Designated Supervisor.

USE OF OFFICE EQUIPMENT

A work station for SCOPE members will be available. The area shall be kept clean and orderly. Unless requested by the Designated Supervisor or his/her designee, SCOPE members shall not make long distance calls from Department telephones.

TERMINATION

At the discretion of the Sheriff or his/her designee, SCOPE members may be terminated from the program with or without cause.

APPENDIX ONE

SHERIFF'S COMMUNITY ORIENTED POLICING EFFORT VOLUNTEER AGREEMENT

I have chosen to become a member of "Sheriff's Community Oriented Policing Effort" (SCOPE), and recognize in doing so, I will be assisting the Skagit County Sheriff's Office to make the community a safer place.

I understand while on duty I am to watch for, report, and document any suspicious activity.

I accept responsibility for and consequences of my actions while on duty. I will respect my co-workers and will not act in any manner that unnecessarily jeopardizes their safety or mine.

I acknowledge and accept those risks inherent in this type of activity. I agree to hold harmless the Skagit County, the Skagit County Sheriff's Office, their employees and agents, and other SCOPE members for any injury I may suffer while on duty to include injuries that may occur through no fault of my own or through the actions of another member.

While on duty, I agree to abide by the following rules.

1. I will carry no weapons; to include but not limited to guns, knives, bats, mace products.
2. I will engage in no verbal or physical confrontation nor will I attempt to detain and/or control any person.
3. I will not patrol while under the influence of alcohol or drugs nor consume alcohol or drugs that may impair my judgment on the days I patrol.
4. I will abide by the directions of the Chief of Field Services or his/her designee.
5. I will patrol within designated boundaries.
6. I will accept responsibility for any damage to or loss of Department equipment in my possession.
7. I will wear the designated SCOPE clothing and identification.
8. Unless otherwise authorized by a supervisor, I will patrol with a partner at all times.
9. I will carry a valid driver's license.
10. I will obey all laws.
11. I understand I am not a deputy sheriff, and will not attempt to enforce any laws nor engage in the pursuit of any person or vehicle.

12. I will notify the Chief of Field Services in the event I receive a traffic citation/infraction or am arrested for criminal activity.

13. Unless otherwise approved by a supervisor, I understand that while driving a SCOPE vehicle, only SCOPE members or Skagit County Sheriff's Office employees may ride.

I understand I may be suspended or terminated if I violate any terms of this Agreement.

I further understand I have no rights, contractually or otherwise, to participate in the SCOPE Program and may be terminated at any time, with or without cause.

I have received a copy of the Sheriff's Community Oriented Policing Effort Skagit County Sheriff's Office Patrol Policy and Procedures Manual and promise to abide by all rules and regulations to the best of my ability.

Member's Signature	Date
Printed Name of Member	Date of Birth
Street Address	City/State/Zip Code
Day Time Phone Number	Evening Phone Number
Chief of Field Services	Date

North Cascades Regional SWAT Team SOP 10MAR23.pdf

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NORTH CASCADES REGIONAL SWAT TEAM ("NCRS")

STANDARD OPERATING PROCEDURES

Amat Victoria Curam

RECORD OF CHANGES			
CHANGE NUMBER	DATE OF CHANGE	DATE ENTERED	BY WHOM ENTERED

DRAFT

DRAFT DOCUMENT

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DRAFT

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1.0 Purpose:

The purpose of this document is to establish the governing regulations for the management, selection, retention, training, equipping, and deployment of the North Cascades Regional SWAT Team (herein after referred to as "Team" or "NCRS Team").

1.1 Mission Statement:

The primary mission of the NCRS Team is to save lives, while safely apprehending dangerous criminal suspects. The Team does this by bringing additional training, equipment, and personnel to support the extraordinary enforcement needs of the participating police departments or other law enforcement entities.

Extraordinary enforcement needs include, but are not limited to:

- High risk search/arrest warrant service: the service of such search and/or arrest warrants for criminal investigations involving suspect(s) that are known or believed to be dangerous and pose a specific threat of serious physical injury or death when confronted by law enforcement.

- Barricaded subjects: the standoff created by an armed or potentially armed suspect(s) in any location, whether fortified or not, who is refusing to comply with arrest commands.

- Hostage situation: the holding of any person(s) against their will by armed suspect(s), or suspect(s) who are believed to be armed with a weapon or dangerous instrument.

- Sniper/observer situations: any situation in which a criminal sniper is acting against people or property.

- Terrorist acts: North Cascades Regional SWAT may be utilized in a broad variety of capacities during an act of terrorism. These may include hostage rescue, foreign service, immediate response, security, and support for bomb squads, among others.

- Dignitary protection: may be utilized for the protection of special persons, such as VIPs, witnesses, or suspects, based on threat or potential threat to the well-being of those persons.

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Any other occurrence requiring an extraordinary police response (beyond the capabilities of regular patrol officers or detectives) for which the unit has been trained.

The objective of NCRS Team is to resolve higher risk police operations or crisis situations while minimizing the risk of injury or loss of life to the people involved.

1.2 Utilization of the NCRS Team:

The goal of the NCRS Team is to support member agencies and other requesting law enforcement entities in tactical situations that are beyond the scope of regular patrol officers and require special tactics, weapons, and equipment to reach an appropriate, safe and lawful conclusion. North Cascades Regional SWAT is the primary tactical response team in the Skagit County and Oak Harbor area.

1.3 Life-safety priorities:

At the scene of a suspect-driven police operation or crisis situation, the life safety priorities are:

1. Hostage(s)
2. Innocent(s)
3. Team members and other police officers
4. Suspect(s)

It is important to remember that the order of these priorities do not change, unless one of the priorities is not in play in a particular situation. For example, if the situation is barricade with no hostage(s), the highest priority is the safety of other people and bystanders in the area.

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2.0 Access to Standard Operating Procedures and Review

This manual contains policy and operating procedures for the NCRS Team. All Team members shall have access to either a physical or digital copy of this manual.

After approval and adoption of these policies and procedures by the Executive Board, the Team Commander (or designee) shall provide a physical or digital copy of the manual to each Team member. When updates and revisions of the manual are approved by the Executive Board, editions will be distributed the same way, and there shall be a process in place to confirm each Team member has received the manual and/or updates (typically a sign-off sheet). Each person having a copy of the manual shall take measures to protect it from loss or theft.

It is the responsibility of each Team Commander to review these policies on an annual basis to ensure congruence with current practice. As these policies are updated, the older versions will be archived in accordance with state retention laws for historical purposes and possible litigation.

It is the responsibility of each individual Team member to read, understand, and comply with the policies, procedures, and regulations described within this manual.

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3.0 Administration of the NCRS Team

The governing body of the NCRS Team is the **Executive Board.** Refer to the NCRS Team Interlocal Agreement for the Executive Board makeup.

The Executive Board shall select one (1) Team **Commander** and may select two (2) **Assistant Team Commanders** from within the participating agencies.

3.1 Participating agencies

NCRS Team is a regional, multi-agency, multi-jurisdictional tactical team comprised of trained tactical officers from the following law enforcement agencies:

- **Former Skagit County Sheriff's Office SWAT agencies (which includes the Skagit County Sheriff's Office, Burlington Police Department, and the Sedro-Woolley Police Department)**
- **Oak Harbor Police Department**

Additional law enforcement agencies may be added through an addendum process.

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4.0 Organization of the NCRS Team

This chapter establishes the order, chain of authority, chain of communication and individual reporting responsibilities for the NCRS Team.

For a police special operations team to be the most effective, it must be a unity of command. For administration of the Team to be efficient, it must be an organizational structure. To handle incidents in the most effective and efficient manner, there must be an incident command system or incident management system ("ICS", or "IMS").

4.1 Operational Structure

The Team Commander oversees the operational and training readiness of the Team and is the person who authorizes deployment of the Team. The Team Commander receives recommendations from the Incident Commander. The responsibilities of the Team Commander include, but are not limited to:

- obtain incident information from the Incident Commander and other sources as available
- recommend options for tactical response/resolution
- discuss tactical objectives with the Incident Commander
- establish a tactical operation center ("TOC") from which to direct SWAT operations
- brief Team Leaders and ensure all Team members are briefed accordingly
- in conjunction with the designated Team Leaders, formulate or approve tactical plans
- report monthly to the Executive Board:
  - recent operations
  - recent and upcoming training
  - monthly expenditures
  - equipment concerns
- attend regular meetings with Assistant Team Commanders and Team Leaders
- prepare an annual budget
- prepare an annual report
- approve all trainings
- approve all pre-planned operations
- review all after-action reports
- assign projects for research and development

ensure that necessary information is reported to local, state, and federal databases as appropriate

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4.2 Incident command system

The Team operates within an incident command system. The structure is flexible and adaptable from one incident to another. In its smallest form, at every police operation involving the NCRS Team there shall be a clearly defined Incident Commander in charge of the overall incident.

The Incident Commander shall be a command level officer, preferably from the jurisdiction from which the incident originated. The Incident Commander has overall responsibility for the incident and has decision-making authority over on-scene matters.

Incident Commanders vary by incident and jurisdiction; therefore, Incident Commanders are not an organizational component of the Team.

The Incident Commander should remain at the command post and is responsible for:

- monitoring incident developments
- determining incident priorities, goals, and objectives
- managing incident resources
- establishing or approving rules of engagement
- maintaining an outer perimeter (through use of non-SWAT personnel)
- establishing a staging area for responding resources
- designating a public information officer ("PIO") and media contact location
- assigning a recordkeeper to log developments, decisions, and key communications throughout the incident
- coordinating tactical support and communication efforts with the suspect(s)
- assigning an investigative/intelligence officer
- updating key political officials
- ensuring a Safety Officer has been assigned, as appropriate

The Team Commander operates under the direction of the Incident Commander. The Team Commander confers with the Incident Commander, discusses options, and suggests feasible solutions to the situation. The Team Commander assigns tactical objectives to Team Leaders.

In a coordinated effort, Team Leaders develop the specific plans regarding how to carry out their assigned portions of the Team Commander's objectives. Team Leaders present their plans to the Team Commander for approval. Team Leaders assign individual Team members to accomplish specific tasks within their plans. For incidents that are in progress, this planning and approval process may be verbal.

For operations that are planned in advance, (such as a warrant service) the Team Commander designates a Team Leader as the Primary Team Leader of the operation. The Primary Team Leader participates with another Team Leader or Assistant Team

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Leader in scouting the location and developing a plan for the operation. The Primary Team Leader presents (and discusses) the plan to the Team Commander for approval. After approval, the Primary Team Leader briefs the operation to the Team.

Team Leaders ensure that individual Team members fully understand the plan and act according to the plan details. Team Leaders monitor, control, and direct the actions of assigned individual Team members.

4.3 Annual Report

The Team Commander will submit an annual report to the Executive Board no later than the second meeting of every year. The report will contain a summary of training, mission analysis, and a short summary of all activations, finance, and personnel updates for the year.

4.4 Team Leader Selection

After consulting with the Assistant Team Commanders, the Team Commander makes recommendations to the Executive Board regarding selection of operational Team Leaders ("TL"). Tactical experience, leadership ability and a tactical environment are the primary considerations for selecting Team Leaders, in addition to the official supervisory rank at their home agency. The intent is to develop ranking Team members, so they eventually assume operational leadership roles on the Team. The Executive Board confirms all Team Leader appointments.

4.5 Team Leaders Responsibility

Team Leaders receives assignments from and report to the NCRS Team Commander. At some incidents, other NCRS Assistant Team Commanders may oversee branches of the operation, such as perimeter containment or Sniper/Observer coverage. In those cases, the applicable Team Leaders report to their designated Team Commander during that operation.

- carrying out the details of an identified tactical plan
- brief assigned Team members as to the mission, objectives, and plan
- ensure necessary Team equipment and weapons are procured, and that no unauthorized equipment is deployed when executing the plan
- prepare contingency plans to encounter possible suspect actions. Tactics and maneuvers shall be approved by the Team Commander, except in an emergency response to precipitous action(s) by the suspect(s).

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4.6 Team Roles

Assistant Team Leaders ("ATL") are designated to assist Team Leaders in planning and carrying out missions during an operation. In absence of a Team Leader, a selected Assistant Team Leader may fill the Team Leader role if needed.

The Team Commander may designate any current Team member as a Temporary Team Leader or Temporary Assistant Team Leader for all or a portion of an operation in absence of a Team Leader and/or Assistant Team Leader.

At Team deployments all **Individual Team members** are assigned under the direct supervision of a Team Leader or an Assistant Team Leader. Individual Team members take direction from and report to their assigned Team Leader or Assistant Team Leader during that operation. Team members are responsible for carrying out the plans and objectives as directed by their designated Team Leader or Assistant Team Leader.

Team members shall only use weapons and/or equipment for which they are trained and currently qualified to operate. Such weapons and/or equipment must comply with Team procedures and practices. See Specialized Training Section Pg.12 for further discussion on Use of Weapons.

Perimeter Team(s) are under the direct supervision of a Team Leader. The primary mission of the inner Perimeter Team is to prevent the suspect(s) from fleeing and/or to capture the suspect(s) if they attempt to/do flee. In coordination with the Arrest Team and as needed by the circumstances, secondary missions are to gather and report intelligence information, assist with evacuations of uninvolved persons, assist with delivery of items (such as throw phones) to the suspect's stronghold. Additional responsibilities can include chemical munitions and less lethal weapons deployment.

Sniper/Observer Team(s) are under the direction of a Team Leader. The Sniper/Observer team has primary responsibility for long-range precision rifle fire at selected targets in response to a lethal threat or upon a specific order. They are the primary counter sniper group and as such they are often called "police snipers." Police Snipers also observe, and report updated information pertaining to the incident location and suspect/hostage movement.

Arrest Team(s) are under the direction of a Team leader. Their primary mission is to receive persons and take suspects into custody when they exit the target location. Other assignments may include a "utility" function, such as delivering a telephone or other items to the suspect's stronghold. The Arrest team may also deliver chemical agents into the stronghold.

Emergency Rescue Team(s) are under the direct supervision of a Team Leader at a hostage situation. The primary mission of the Emergency Rescue Team is to rescue the hostage(s) when the sudden need or a clear opportunity arises, prior to implementation

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of a deliberate rescue plan. The Emergency Rescue Team handles suspect/hostage confrontation, down officer rescue, emergency entries and hasty search plans, hostage rescues and other emergency actions within the inner perimeter as the situation dictates.

Deliberate Team(s) is under the direct supervision of a Team Leader. The Deliberate Entry Team has primary responsibility for developing a thorough resolution plan for tactical incidents. As time allows, the Deliberate Entry Team shall formulate plans and rehearse actions for breaching, searching, and clearing, hostage rescue, suspect neutralization, vehicle interdiction and other deliberate tactical resolutions as may be needed.

Depending on the physical space, time and situation, the delineated Team roles as described above can overlap.

4.7 Specialized Training:

All Team members are primarily trained as perimeter and entry personnel. In addition, all Team members will have some training in the utilization of assigned vehicles such as equipment vehicles, vans, armored vehicles (i.e., MRAP), as well as the use of electronic, audio and video equipment used by the Team. There is a need for some Team members to have special secondary skills in order to manage SWAT situations successfully.

The following are designated as formal specialties within the SWAT Team structure:

- **Breachers:** Team members trained to use mechanical tools to force entry into structures.
- **Shield:** Team members trained in the use of ballistic shields.
- **Sniper/Observer:** Team members trained in the use of extended and scoped rifles.
- **Launcher-Deployment:** Team members trained in the use of chemical agents and less lethal munitions and weapon platforms.

Team members trained in the specialties must maintain their knowledge and skills in these areas. Prior to becoming operational in any of the specialties, Team members must go through the specific training and certification curriculum outline for each.

4.8 Training

The Team Commander, Assistant Team Commanders and Team Leaders will select three (3) Officers from within the Team to be **Training Coordinators.** The Training Coordinators will take direction from the Team Leaders and Team Commanders on the training needs of the Team. The Team Commander approves all lesson plans. The Training Coordinators are responsible for ensuring lesson plans are completed, training sights are selected, and instructors have what they need for their topic. Upon completion

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of the training, they also ensure roster sign-in sheets, power point presentations, all other training material, and after-action reports are forwarded to the Team Commander.

Team Leaders, ATL's, and other experienced Team Members conduct and assist with most of the Team training.

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5.0 Callouts

This Chapter establishes criteria and procedures for calling North Cascades Regional SWAT to service.

Activation and deployment of the NCRS Team must be approved by the Chief of Police or Sheriff, or his/her designee, of the requesting jurisdiction. The decision to activate the Team shall be made by the NCRS Team Commander.

For operations that are planned in advance, such as warrant service, a written "risk analysis" shall be completed and submitted to the Team Commander for review and consultation at which time a decision to use the Team will be made. For incidents that are suspect driven (i.e., in progress situations), analysis and determination by Team Commanders may be verbal, using the following guidelines:

- In planned missions, such as search warrants, the approving Team Commander will review and approve the risk analysis form. The risk analysis form will be filed by the Team Commander with the final after-action report for that incident.

- The Team shall not attempt a tactical maneuver or task for which, in the opinion of SWAT Team Commander, the Team is not properly trained or equipped, or for any other reason determined by Team Commander. If the Team Commander believes an operation or maneuver unnecessarily endangers Team personnel and to ensure there is a reasonable assessment of Team safety in light of the Team mission to save lives and apprehend suspects, the Team shall not be utilized.

5.1 Callout Criteria

Whether for a planned operation or for an incident in progress, factors that may justify calling out the Team include, but are not limited to:

- suspect(s) is/are reported to be armed with a firearm, or is reported to have access to automatic weapons or explosives
- suspect(s) with a violent criminal history
- a location that is protected by vicious animals
- fortified locations
- the crime(s) involved are often associated with weapons
- suspect(s) who is/are affiliated with a violent, antisocial, or antigovernment group
- suspect(s) who made threats of violence towards police
- other hazardous conditions

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5.2 Callout Procedures

A NCRS Team activation occurs when an Agency Command Representative calls the Team Commander and requests SWAT support.

Team activations take one of two forms, either a "**full team**" callout or an "**on duty**" callout. A "**full team"** callout is utilized on situations when SWAT personnel and resources are needed to bring a safe resolution to an incident, whether planned or in progress.

An "**on duty**" callout occurs only as a supplemental resource to existing patrol or detective staff and typically is due to the complexity of the incident. Once team members in an "**on duty**" callout are on scene, either the team leader, assistant team leader, or senior team member would confer with the team commander to determine if further SWAT resources are needed.

The requesting agency shall provide the information to the NCRS Team to complete a risk analysis form and shall include at least the following information:

- brief description of the situation, including address of the incident the crime involved and a brief description of the probable cause, the suspect's weapons and other hazards known about the suspect's location.
- person currently in charge of the incident and a means (such as a phone number) to contact that person; and
- location of the command post and the route by which Team members should respond.

The NCRS Team Commander or his/her designee determines the number of resources called to a given situation. This may range from parts of the Team to the full Team.

5.3 Notification System

Each participating agency in the Team will utilize a notification system (Example: Code Red & iAmResponding) or similar messaging system for purposes of alerting Team members of an activation. It shall be the responsibility of the individual Team members to update the Team Commander or Assistant Team Commanders of any change of phone numbers for entry into the notification system.

Each participating agency shall maintain a callout roster for their assigned Team members. Member agencies shall supply the Team Commander a roster for their assigned Team member(s). Team members shall immediately report any change in telephone numbers to their respective home agency and the Team Commander.

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5.4 Duties upon Arrival

The jurisdiction in which the incident is occurring, or which generated the incident, shall designate an Incident Commander to oversee the operation.

The first Team Leader or Team Commander to arrive at the scene of the incident shall obtain information from the on-site supervisor in preparation for briefing other NCRS personnel and may designate NCRS Team personnel to form an emergency or hasty rescue team. The first responding Team Leader or Team Commander shall initiate preparations for establishing a tactical operation center ("TOC") command post. All Team members responding to an activation will check in with the command post and will receive a situation briefing to include description of the suspect and probable cause prior to deploying to the scene.

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6.0 Mutual Aid

The Team shall develop appropriate agreements, protocols, and procedures for support relationships between and among neighboring SWAT teams within the greater North Cascades area. By establishing formal relationship with neighboring SWAT teams, NCRS will be better prepared to handle incidents which exceed capabilities and resources. NCRS will establish an external Memorandum of Understanding (MOU), in compliance with local, state, and federal law.

6.1 Guidelines regarding North Cascades Regional SWAT and Outside Agencies (OSA) or other jurisdictions

For in progress incidents that meet North Cascades Regional SWAT callout criteria, if requested by an outside agency's command level officer (Lieutenant or higher rank), the request must go to the NCRS Team Commander or his/her designee. The Team Commander will notify the Executive Board Chair when initiating the Team callout. If the Executive Board Chair cannot be reached, the Team Commander shall notify a different member of the Executive Board.

For planned operations (such as warrant service), the following guidelines apply:

Planned Operations	**Protocol**
OSA has an operation (i.e. warrant for service) inside the NCRS Team jurisdiction and the OSA **has** a SWAT team.	First preference: OSA uses their own SWAT team. North Cascades Regional SWAT offers a liaison. Alternative: at the request from the OSA mid-level management or above (Lieutenant or higher rank), the NCRS Team may serve the warrant.
OSA has an operation (i.e. warrant for service) inside the NCRS Team jurisdiction, and the OSA has **no** SWAT team.	At the request from the OSA mid-level management or above (Lieutenant or higher rank), the NCRS Team may serve the warrant.
OSA has an operation (i.e. warrant for service) inside the OSA's own jurisdiction.	If the OSA has a SWAT team, first preference is the OSA's SWAT team serves the warrant. Alternative: If the OSA has no SWAT team, a request from the OSA mid-level management or above (Lieutenant or

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	higher rank), the NCRS Team may serve the warrant.
OSA has an operation (i.e. warrant for service) inside a different OSA jurisdiction.	First preference: refers OSA warrant to the agency having jurisdiction over the location. Alternative: At the request from the OSA mid-level management or above (Lieutenant or higher rank), the NCRS Team may serve the warrant.

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7.0 Communication

Communication among Team members and the command post are vital to ensure a successful resolution to an incident. Team Commanders must also be able to contact Team members during their off-duty time so Team members can respond in a timely manner to NCRS Team operations.

The protocol detailed below is needed for effective and efficient communication.

7.1 Radio

During all NCRS Team activations, a tactical radio frequency shall be designated. Use of that frequency shall be limited to tactical communications. A secondary frequency may be used and designated for specialty assignments, such as the Sniper/Observer Team. Non-NCRS Team communications from the command post involving support services shall be conducted on a different radio frequency.

An incident Record Keeper shall be designated by the Incident Commander and a written record will be maintained for command decisions and Team actions. In absence of a designated Record Keeper, all Team radio communications shall be conducted on a frequency that is monitored and recorded by the local agency's dispatch center.

Cell phones and direct connect devices may serve as valuable alternative communication tools to keep lengthy or operationally sensitive conversations off the officer tactical frequency, and to serve as backup communications when radio reception is unclear or weak.

7.2 Callout Devices

Every member of the Team shall maintain a device capable of receiving the notification system notifications. Devices shall remain functional twenty-four (24) hours a day, seven (7) days a week and will be carried by Team members at all times when they are assigned to be available for callout response. Team callouts for in progress incidents and for most planned incidents will be accomplished through these paging or cellular devices.

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8.0 Use of Force

At times, it is necessary to respond with force in order to overcome resistance by a suspect(s). Responding with force must be objectively reasonable and within current local, state and federal rules/laws.

8.1 Concept

Force responses shall comply with guidelines established by RCW 9A.16, RCW 10.120 and RCW 10.31, as well as the department policies of individual Team members.

In addition to what is written on the Team after-action report forms, force responses shall be documented in accordance with a Team member's home agency force policy. Team members shall use their home agency reporting documents and reporting process.

8.2 Use of Force Investigations

The Team member's home agency will be the lead agency for investigating any use of force with exception to the application of deadly force, which shall be investigated as detailed below. Any deviation from this policy will be at the recommendation of the Executive Board.

If deadly force is used by any member of the Team, the Skagit Multi-Agency Response Team ("SMART") will take the lead in the subsequent investigation. The cooperative interagency agreement between SMART and member agencies will serve as the guidelines for an investigation. Any deviation from this policy will be at the recommendation of the Executive Board (i.e., if officers from multiple agencies are involved in the use of deadly force and SMART is unable to fulfill its mission).

8.3 Life Safety Priorities:

At the scene of a suspect driven police operation or crisis situation, the life safety priorities are:

1. Hostage(s)
2. Innocent(s)
3. Team members and other police officers
4. Suspect(s)

It is important to remember that the order of these priorities do not change, unless one of the priorities is not in play in a particular situation (in other words, if the situation is a

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barricade with no hostage(s), the highest priority is the safety of other citizens and bystanders in the area).

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9.0 Complaint Procedures

Allegations of misconduct regarding members of the NCRS Team will be investigated. Since NCRS Team consists of police officers from several different agencies, each home agency must comply with their respective policies and labor agreements while investigating complaints of misconduct.

To avoid duplication of efforts, the following guidelines should be followed to ensure a complete, thorough, and fair investigation for all parties involved.

9.1 Receiving the Complaint

If a complaint arises from the jurisdiction where NCRS was used, the agency that receives the complaint will be designated as the Lead Agency.

9.2 Lead Agency Responsibilities

The Lead Agency will:

1. assign an investigator,
2. interview the complainant,
3. notify the Team Commander of the complaint,
4. conduct interviews of non-police witnesses,
5. provide copies of all investigative materials to the agency/agencies that employ(s) the involved Team member(s), and
6. notify the complainant regarding the outcome of the investigation.

9.3 Participating Agency Responsibilities

Each Participating Agency will:

1. interview their Team member(s) who is/are being investigated and others who were present or near those actions as potential witnesses,
2. combine their interview documents with those received from the Lead Agency and forward the packet to their professional conduct team,
3. follow their agency's policies for remediation of any allegations of misconduct, and
4. notify the Lead Agency and the NCRS Team Commander of their findings.

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10.0 Team Selection Process

Due to the critical nature of the NCRS Team operations, it is essential that only qualified fulltime commissioned police officers be selected as operators of the NCRS Team.

NCRS Team Commander with the approval of the Executive Board, may designated Auxiliary Members to the NCRS Team. An example of an Auxiliary Member role is the Tactical Emergency Medical Support (TEMS) element.

The following criteria or guidelines are set forth to help each agency determine the qualifications of officers and to ensure that applicants meet the Team standards.

10.1 Selection criteria

Each agency selects their SWAT Team candidates. The NCRS Team has standards of performance that must be met by all Team members. Individual agencies must include the NCRS Team standards as part of the assessment and selection process. The purpose of selection criteria is to assure appointment of the individuals who are best suited for success on the team.

Selection criteria should include review and evaluation of each applicant's:

- experience - minimum of two years full-time law enforcement experience is required (the applicant's total law enforcement experience in any military setting should be considered and specialized training such as EMS, firearms, or tactical is desirable)
- psychological makeup – history of good mental health and personal discipline are required
- past performance indicating an ability to function as a Team member
- professional disciplinary action or sustained allegations of misconduct
- demonstrated high levels of good performance in their present work assignments
- physical fitness - must meet or exceed the NCRS Team physical fitness requirements
- shooting skill - must be able to meet or exceed the Team firearms performance standards
- interest in SWAT

10.2 Selection process

The selection process for the NCRS Team should include, at minimum, the following:

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1. Written application or letter of interest from the officer
2. Written recommendation from the applicant's primary work supervisor
3. Employing agency's review of qualifications and work history
4. Physical fitness test
5. Oral Executive Board interview
6. Team Problem Solving Exercise/Assessment

10.3 Retention

The NCRS Team is a voluntary organization. Based on its importance to the member agencies and liability involved, members are expected to be dedicated, well-trained, skilled Team members and professional law enforcement officers in every aspect.

The NCRS Team expects the standards of each Team member to exceed what is expected of non-SWAT officers in the Team member's performance, appearance, attitude, and work ethic. Each member is expected to be held accountable to these higher standards.

Each member of the Team must meet and maintain the standards in order to remain assigned to the Team.

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11.0 Team Dismissal and Suspension processes

There may be reasons why a person is no longer capable of continuing as an NCRS Team member. There needs to be a process for suspension and/or removal when appropriate.

11.1 Dismissal from the NCRS Team

Removal from the NCRS Team may occur by one of two methods:

1. Removal by the NCRS Executive Board
   All recommendations to remove team members from NCRS shall be forwarded to the Executive Board for final review and decision. In the case of any split decision or "tie" by the Executive Board, the Team Commander shall cast a deciding vote. NCRS Team Members may be removed by action of the Executive Board at any time and for any reason, with or without cause.

2. Removal of a Team member may occur at sole discretion of the Chief or Sheriff of the respective officer's home agency.
   The recommendation to remove an officer may be made by the Team Commander.

11.2 Suspension

Any personnel assigned to NCRS may be suspended by action of the Team Commander after consultation with other Team Commanders and Team Leader(s). The suspension of any Team member shall immediately be reported to members of the Executive Board and the authorized Command Staff representative of that Team member's agency.

Considerations leading to suspension or dismissal from the Team may include, but are not limited to:

- a pattern of failing to attend training
- a pattern of failing to respond to operations
- inability to qualify with firearms
- a pattern of professional disciplinary action or sustained allegations of misconduct
- inability to meet minimum physical fitness standards
- repeated safety violations
- repeated tactical errors
- inability to function as a Team member

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- the inability of a probationary Team member to meet Team expectations, as determined by the Team Commanders, may be subject to a process for suspension and/or removal from the Team.
- failure to successfully complete SWAT Basic may be cause for removal, unless waived by consensus among the Team Commanders that the person's aggregate SWAT training is sufficient.
- team members who fail to meet the Team's physical fitness standards are not deployable in a SWAT Team role and remain non-deployable until they successfully complete the entire physical fitness test. Team members will have thirty (30) days from the date of failure to successfully pass the entire physical fitness test. Members who fail the subsequent test may be subject to a process for suspension and/or removal from the Team. The totality of circumstances will be reviewed by the SWAT Team Commanders.

11.3 Suspension/Dismissal from Sniper/Observer Team

The inability to maintain standards while performing duties as a Police Sniper may be cause for dismissal from the Sniper/Observer Team. Dismissal from the Sniper/Observer Team does not necessarily mean immediate removal from the NCRS Team. Dismissal from the Sniper/Observer Team may be appropriate when the officer fails to meet one or more of the following standards:

- failure to successfully complete the SWAT Basic (40) hour course
- failure to successfully complete a sniper basic course of at least forty (40) hours
- failure to participate in required NCRS Sniper/Observer Team training sessions,
- inability or lack of proficiency with a precision rifle to meet specified Sniper/Observer Team standards,
- a recommendation by the Sniper/Observer Team Leader that the officer is not deployable as a Police Sniper, or
- failure to attain or maintain the sniper certification process as recognized by the Executive Board.

The criteria above are not considered all-inclusive, and each violation should be documented by the Team Commander and/or Team Leader.

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12.0 Status and assignments of new Team members

It takes time to develop proficiency as a member of the NCRS Team. This policy establishes procedures for guiding and assigning new Team members until they become experienced operators.

12.1 Probation

Probation is a continuation of the selection process. Selection process is not complete until the Team member successfully completes probation with the NCRS Team. When a new member of the NCRS Team attends training each month, a normal probationary period is one year from the time of appointment to the Team. Probation may be extended due to missed training or for questionable performance issues. Probationary status remains in effect until the Team member successfully completes SWAT Basic regardless of how long the officer has been on the Team.

Probationary Team members' ability, attitudes, teamwork, and general progress will be evaluated throughout the probationary period. The NCRS Team Commander will receive a monthly evaluation form, completed by a designated Team member for each probationary Team member. Inability of a probationary Team member to meet Team expectations may be cause for removal from the NCRS Team.

12.2 Assignments

Deployment - Except under exigent circumstances, a NCRS Team member will not be assigned to a SWAT Team role until they have:

1. successfully completed SWAT Basic (NTOA or WSTOA Approved Course),
2. participated in at least two monthly training cycles with the NCRS Team, and
3. demonstrated proficiency at the NCRS Team level with their handgun and any other firearm which they would deploy.

Occasionally a new member must wait several months prior to attending SWAT Basic. When there is a consensus among the NCRS Commanders that the officer's aggregate SWAT training is sufficient, requirement one (1) above may be waived.

Team members working toward deployment satisfaction respond to callouts and fill assignments that any experienced police officer could perform at a police incident. These assignments include, but are not limited to:

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- driving a vehicle used in an operation, provided that the vehicle is one with which the Team member is familiar as a driver
- guarding a deployment vehicle
- outer perimeter duties
- assisting with the command post

In order to deploy with the Team and perform any duties, Team members must, at a minimum, be currently qualified with their pistol and rifle at their home department standard.

Entry Team - Except under special circumstances as determined by the NCRS Team Commander, new members of the NCRS Team will not be assigned to an Entry Team on a SWAT operation until there is consensus among the Team Leaders that the member has reached competency as an Entry Team member. Prerequisites to Entry Team status include:

1. successful completion of SWAT Basic
2. participating in at least six training cycles with the NCRS Team
3. demonstrated proficiency at the NCRS Team level with their pistol and shoulder fired weapon

Sniper/Observer Team - Generally, new members of the NCRS Team will not be assigned to the Sniper/Observer Team until they have successfully completed their SWAT Team probationary status. When initially assigned as a sniper, the assignment is on a tryout basis. This trial will last at least three months. A Team member assigned to the Sniper/Observer Team will not deploy on a police operation with a precision rifle until they successfully complete the trial phase. The trial phase includes:

1. successful completion of a basic sniper course of at least 40 hours as approved by the Sniper/Observer Team Leader
2. participation in at least three (3) Sniper/Observer Team training sessions
3. demonstrated proficiency with a precision rifle at the NCRS Team level
4. recommendation from the Sniper/Observer Team Leader that the officer is ready to deploy as a Police Sniper

Limited duty - Existing Team members may be assigned to temporary limited duty for failure to meet Team standards. Limited duty may include restricted use of specific equipment or weapons, limited tactical utilization and limited assignments. Limited duty may be assigned when a Team member:

- fails to demonstrate firearm proficiency at the NCRS Team level at any Team qualification session,
- is absent from four consecutive SWAT Team trainings,
- fails to obtain necessary operator training in the use of Team equipment or weapons,

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- fails to maintain Team standards of physical fitness, or
- fails to maintain other Team standards.

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13.0 Team equipment

This policy provides direction and guidance for the equipment used by the NCRS Team.

13.1 Concept

Each individual department is responsible for the purchase, maintenance, and repair of equipment and supplies used by its assigned Team members. Ongoing research and evaluation of proposed equipment or technology will be assigned by the Team Commander. Results and recommendations will be documented and reviewed by the Team Commanders and/or Team Leaders.

Each Participating Agency shall strive to obtain and maintain individual and Team equipment that meets the relative equivalent of other Participating Agencies. Team members will be issued the minimum equipment listed Sections below.

Participating Agencies may be assigned to store and maintain Team equipment. The Participating Agencies are expected to ensure the NCRS Team equipment is operationally ready at all times.

13.2 Team members responsibilities

Each Team member has a responsibility for appropriate care and use of Team and individual equipment. No Team member shall use a piece of equipment for which they have not been trained.

Each Team member is responsible for proper maintenance and sight adjustments (maintaining a proper start “zero”) of their assigned firearms. Team members shall wear ballistic protection to include helmets and body armor during all call outs and tactical assignments. Body armor shall consist of rifle rated plates combined with soft body armor. They shall also include groin protection and shoulder/bicep protection. Limited exceptions may be approved by the SWAT Team Commander or designated Team Leader, only when a necessary tactical maneuver cannot be accomplished as effectively while wearing armor, and the potential danger to the affected Team member is not excessive. Police Snipers may be a consistent exception to this requirement.

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13.3 Team uniforms

Each Team member of the NCRS Team shall be issued, and keep in good condition, two (2) complete uniforms. These uniforms shall be purchased for the Team member by their home agency. Uniforms shall be in the “green” color and boots shall be in the “desert tan” color. Variations and exceptions to the uniform may be approved by the SWAT Team Commander. One exception may be the use of camouflage uniforms worn by Police Snipers.

13.4 Team member personal equipment

Some equipment is issued to each Team member individually. Other equipment is considered Team equipment and will generally not be issued directly to an individual Team member. Personal equipment is the responsibility of each Team member. All equipment must be maintained in a clean and serviceable manner. Personal equipment includes, but is not limited to the following, See Current NCRS Equipment List).

1. Personal protective equipment: helmet, body armor, eye and ear protection, gas mask.
2. Uniforms.
3. Uniform equipment: each Team member will be assigned the appropriate loadbearing gear for their assignment on the Team. The equipment may include the following: loadbearing/duty belt; handgun holster; ammo pouches; gas mask pouch; weapon mounted flashlights and any other equipment as deemed necessary based on assignment.
4. Handguns and rifles: weapons shall be supplied to each Team member by their home agency. If a Team member is no longer assigned to North Cascades Regional SWAT, those weapons will be returned by the Team member to their home agency.
   Personal equipment shall be inventoried by the Team member on an annual basis. Any discrepancies will be reported to that Team member’s agency with notification to the Team Leader.

13.5 Specialty Impact Munitions

Impact Munitions provide the Team with the option to use a less lethal amount of force on suspects for distraction techniques, for defense against aggressive animals, and for disabling surveillance equipment, etc. It is the responsibility of the Team member operating such munitions to ensure that the proper munitions are utilized. Members of the NCRS Team must be properly trained prior to utilizing these munitions. Certification of this training will be kept on file with the Team.

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13.7 Conducted Energy Weapons

Conducted Energy Weapons are used for the temporary disabling of noncompliant persons. Members of the NCRS Team must be properly trained prior to utilizing this equipment. Certification of this training will be kept on file with the home agency and will be provided before carrying for NCRS operations.

13.8 Chemical Agents

Chemical Agents are used to encourage subjects to leave a particular area or discourage subjects from entering a location. Members of the NCRS Team must be properly trained prior to utilizing these agents. Certification of this training will be kept on file with the Team.

13.9 Breaching Equipment

Breaching Equipment is used to forcibly gain access to a secured or barricaded location in an expeditious manner. Members of the NCRS Team must be properly trained prior to utilizing this equipment. Certification of this training will be kept on file with the Team.

13.10 Breaching Projectiles

Breaching Projectiles, commonly known as “shok lock rounds” or equivalent, are weapon fired projectiles manufactured with the intent to defeat entry point hinges and/or locking mechanisms. Only Team members trained in the use, effects, hazards and methods of deployment, are authorized to use Breaching Projectiles. Certification of this training will be kept on file with the Team.

For planned operations (such as warrant service), the use of Breaching Projectiles must be preauthorized by the SWAT Team Commander in charge of the operation and included in the operations order. In emergency situations, the Team Commander’s approval is not needed. Breaching Projectiles may also be used to stop an animal that poses an imminent threat to a person’s safety or to stop a person when the situation justifies a lethal force response.

13.11 Noise Flash Diversionary Devices

Noise Flash Diversionary Devices, commonly known as “flash bangs” or “NFDD’s”, are less lethal munitions that are used to distract and/or disorient, minimize resistance, and increase safety. Only Team members trained in the use, effects, hazards and methods of deployment are authorized to use NFDD’s. Certification of this training will be kept on file with the Team.

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For planned operations (such as warrant service), use of NFDD's must be preauthorized by the SWAT Team Commander and included in the operations order. When circumstances develop that indicate a need for an emergency diversion, Team members may place an NFDD without the Team Commander's authorization.

13.2 Team Equipment Repair or Replacement

Equipment acquired by the NCRS Team will be assigned to the Participating Agencies at the discretion of the SWAT Team Commanders. Team equipment assigned to Participating Agencies will be maintained by the agency and inventoried by the SWAT Team Leaders. When a piece of Team equipment becomes damaged or is not deployable, the Participating Agency responsible for that equipment will notify a SWAT Team Leader as soon as possible. When Team funds are approved for repair or replacement, the Participating Agency housing the equipment will make appropriate arrangements for such repair or replacement.

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14.0 Firearms

NCRS Team members will adhere to the firearms policies of their home agency, the policy herein, and shall meet NCRS Team standards for proficiency and care.

14.1 Concept

Team members shall use only those firearms:

1. that are authorized for SWAT service by their employing agency,
2. for which the Team member was trained, and
3. on which the Team member is currently proficient, according to the NCRS Team level (on the applicable NCRS Team firearm qualification course).

Each Participating Agency shall ensure that their Team members have received all necessary specialized firearms training, orientation, familiarization, and demonstrated proficiency in the operation of all firearms used and expected to use. Each Participating Agency shall maintain training records pertaining to the firearms training and qualifications of their respective Team members.

Each Participating Agency shall maintain records of the weapons they assign to their Team members for the use on the NCRS Team. Those records shall indicate when and what modifications or repairs are done to each weapon. Repairs and modifications shall be done by a certified armorer or competent gunsmith and shall be in accordance with the Participating Agency's firearm policies. Repairs and modifications to weapons used on the NCRS Team shall not hinder or obstruct the manufacturers' safety mechanisms of the weapon.

Only ammunition that is approved and issued by the Team member's home agency shall be used.

All firearms must always be handled as loaded weapons. Team members must positively identify their targets and be aware of their backstop. Team members must be conscious of what the muzzle of their weapon points at and maintain muzzle discipline at all times.

While searching for or covering potential threats, weapons will be mounted or held in the low ready positions, unless circumstances dictate otherwise. The trigger finger remains indexed (outside the trigger guard, extended on the receiver) until the Team member makes the decision to actually discharge the weapon.

Firearms that are manufactured with an external, manually operated safety are to be carried with the safety/selector in the "safe" position until the Team member makes the

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decision to fire the weapon. When the need for firing ends, the Team member will move the safety/selector back to the “safe” position.

All Team members shall practice and use a sighted method of fire, including laser sighted methods, or a close quarter battle (“CQB”) method at close distance.

Firearms training and qualifications are necessary and complementing portions of the team’s firearm training program. Training develops firearm skills such as fundamentals of marksmanship, shooting while moving, weapon manipulation, reloading, clearing stoppages, shooting while wearing a chemical agent mask, and more. The qualification process establishes and verifies that a Team member meets the Team’s minimum standards of weapon proficiency.

14.2 Firearms training

Each Participating Agency conducts its own firearms training for its Team members. In addition, the NCRS Team occasionally trains together for live fire exercises. Full Team live fire training includes individual skill development (for consistency among Participating Agencies), and techniques that involve group operations, such as searching/clearing in shoot houses. Most live fire training is conducted on a photorealistic target.

Team tactical training days include exercises that are an important part of the Team’s overall firearms training program. Regular Team tactical training includes reality-based scenarios using marking cartridges and live role players. These scenarios include low and no light situations and occur in and around realistic structures. Decision-making, dynamic assailants, integrated force options, shoot/no shoot situations and moving targets are all training elements of these tactical scenarios.

14.3 Firearms Proficiency / Qualifications

Proof of ongoing firearms proficiency through qualifications is required annually for all lethal weapons used on a SWAT Team assignment. NCRS Team Leader is responsible for conducting and documenting qualification processes in accordance with NCRS Team procedures and standards. Those procedures and standards include:

- Team members wear all their normal, personal SWAT Team gear during each qualification process.
- Carrying/slinging a carbine during pistol qualification is not required.
- Weapons with external, manual safeties are to remain in the “safe” position until the signal is given to engage the target. Team members return the safety/selector to the “safe” position when the need for shooting is over.
- NCRS Team qualification target, as designated and approved by Team commander, is used.

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- Minimum passing scores are required and will be designated based on the course of fire and the scoring rings on the target. Minimum scores change as courses/targets change but will be known in advance by the Team.
- If a Team member fails to qualify, the Team member cannot deploy or carry that weapon in a SWAT Team role until they get remedial training from the SWAT Team firearms cadre and subsequently qualify with a weapon at the SWAT Team level.
- A minimum of four (4) hours of remedial training is recommended. This allows the firearms instructor time to evaluate needs to determine the length of total remedial time required to ensure the Team member can be successful.
- A handgun is necessary regardless of the SWAT Team assignment. If the Team member fails to qualify with their handgun within two attempts, they are not deployable as a SWAT Team member until a subsequent qualification on a later date. The Team member will be limited to assignments that a patrol officer could perform, provided they are qualified at their home agency's patrol level with their weapon.

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14.4 Negligent Discharge

Is important to remember that there is a difference between an "accidental discharge" and a "negligent discharge" as detailed below.

- Negligent discharge - a discharge of a firearm, whether intentional or not, that was primarily caused by the operator's failure to follow established safety protocols or legal justifications for deadly force (commonly referred to as user error).

- Accidental discharge - an unintentional discharge of a firearm that was not caused by any negligence or failure to follow established safety protocols (this type of discharge is usually equipment related).

A negligent discharge is an indication that a Team member's firearms proficiency may not meet the expected standards of the Team. A Team member who experiences a negligent discharge at any time (be it during an operation or training, to include planned dry fire training, either on duty or off duty), the circumstances will be reviewed by the Team's firearms training cadre. The training cadre will make a recommendation to the Team Commander; this recommendation may range from verbal counseling/training to removal from the Team. The Team Commanders will review the report and the recommendations and will forward the report and the recommendations to the Team member's home agency.

14.5 Police Snipers

NCRS Team Police Snipers participate in monthly rifle training as a Team with their assigned precision rifles. The NCRS Sniper/Observer establishes the rifle qualification standard with the approval of the Team Commander. In addition to the above

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requirements for handguns and carbines, Police Snipers must demonstrate ongoing proficiency (qualify) with their precision rifle twice a year.

The Sniper/Observer Team generates and forwards training and qualification documents to the NCRS Team Commander for record-keeping.

In addition to the above training records maintained by the team, each Police Sniper is responsible for maintaining a logbook for their assigned precision rifle. This logbook should be updated after each training session and be available for inspection by the Team Commander, Team Leader, and/or Sniper/Observer Lead as necessary.

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15.0 Physical Fitness Standards

In order to meet the extraordinary requirements of the Team's mission, NCRS Team members must be able to maintain a high level of physical fitness. NCRS Team members wear personal protective equipment that noticeably exceeds the size and weight of patrol officers' gear. SWAT Team members' working environment requires a high level of strength, agility, and endurance. Therefore, this policy establishes physical fitness standards for members of the NCRS Team.

15.1 Concept

Each Team member is responsible for maintaining a level of physical fitness that ensures they are capable of completing the Team mission. The Team's leadership will constantly evaluate the Team's level of fitness, adjusting the Team fitness goals as needed. Conceptually, the Team strives for constant focusing on functional fitness and injury prevention. Established fitness goals must be reasonable and achievable benchmarks Team members can use to gauge their level of fitness. The development of goals shall be done at least semiannually by the Team's leadership and approved by the Team Commander.

Team members who fall short of the target goal shall be coached by a designated member of the Team on methods to improve their fitness levels and functional performance. The goal of this program is to observe constant improvement in Team member fitness performance, not to serve as a deselection tool for members. The Team fully recognizes the selection and deselection of members fall within the purview of the respective Participating Agency.

The scope of Chapter 12 applies to current Team members; however, nothing in this Chapter limits the ability of individual Participating Agencies in developing a fitness standard as part of their selection process, prior to the applicant's appointment to the Team. Once applicant is appointed to the NCRS Team, this Chapter is the governing policy for Team fitness.

15.2 Injury and illness

When a Team member is out of service due to an illness or injury, that Team member will have the same amount of time that they were out of service to complete the NCRS Team physical fitness test, up to and not to exceed ninety (90) days from the time they return to full duty with their home agency.

15.3 Failure to Meet Standards

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Team members who fail to meet the Team's physical fitness standards are not deployable in a SWAT Team role and remain so until they successfully complete the entire physical fitness test. Team members will have thirty (30) days from the date of failure to successfully pass the entire physical fitness test. Team members who fail subsequent tests may be subject to removal from the team. In such case, the totality of circumstances will be reviewed by the NCRS Team Commanders.

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16.0 Training

Due to the limited time available for the NCRS Team training, the complicated nature of tactical operations, and the potential consequences of actions by an untrained officer, it is imperative that Team members attend monthly Team training. Each Participating Agency shall make every effort to schedule all assigned Team members to attend all NCRS Team training.

Each new Team member shall attend a SWAT Team Basic course as soon as possible after appointment to the Team. Newly assigned Team members shall be used only in a limited capacity until completion of SWAT Basic and other criteria.

Each Participating Agency shall ensure that their SWAT Team members have received documented user training for their assigned weapons.

The NCRS Team conducts training, verifies and documents proficiency for some chemical agents, diversion devices and other specialty equipment and munitions. Team members shall not use weapons, tools, or tactics for which they have not been trained and received certification.

The Team maintains a cadre of highly skilled and certified instructors in various disciplines within its ranks. Those instructors, as well as Team Leaders and Assistant Team Leaders, will be utilized as much as possible as the lead instructor for each monthly training session.

16.1 Lesson Plans

Team leadership will conduct an annual training analysis in order to best construct the annual training calendar. The annual training topics will be decided yearly and placed on the training calendar. Training topics will be divided into task requirements in regards to how often that topic must be trained within the Team (i.e., annually, semi-annually, or quarterly). Monthly training topics will be assigned to an instructor at least two months in advance of the training date.

The assigned instructor is required to compile a lesson plan for their day or topic and to submit that lesson plan to the Team Commander for approval 30 days in advance of the training date. The assigned instructor will complete and submit to the Training Coordinator a detailed after-action report on his/her segment of training no later than thirty (30) days after the conclusion of the training.

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16.2 Training Safety

The NCRS Team endeavors to provide training that is realistic and challenging, which inherently involves risk of injury. It is imperative that the NCRS Team takes active measures to ensure the safety of role players, Team members, and observers during training. The following guidelines will be strictly enforced. In addition, NCRS Team members who willfully violate these rules and/or are repeat offenders will be considered for removal from the Team.

In addition to strict compliance with training guidelines, each Team member has an affirmative duty to report any observed violations to the Team Leaders and Commanders immediately.

16.3 Safety Officer

Either the Training Coordinator, Training Provider, or a Team Leader will designate a minimum of one Safety Officer for the training site. The Safety Officer will be designated to this role throughout the day and may be excused from some training evolutions. This role may be filled by a Team Leader or Team Commander if the training is that which it is necessary to have a full-time Safety Officer. The responsibilities of the Safety Officer include, but are not limited to:

1. Ensure all weapon checks, equipment checks, and training location reviews are conducted and adequately prepared for the planned training.
2. Conduct a safety walk-through of the training site.
3. Determine an emergency plan for evacuation or injury treatment prior to the beginning of training. At a minimum this must include the designation of a transport vehicle and a staging location. The nearest medical facility must also be identified.

The Safety Officer, as well as any other Team members, must stop training at any time a violation of safety protocols, or other safety concerns, are observed or identified.

16.4 Marking Cartridges

Prior to using weapons for any training assignment, a designated Safety Officer who is familiar with all of the weapons present, will conduct or oversee the weapons check. The Safety Officer will be responsible for weapons checks for the entire training day. Weapons checks will be completed by a minimum of two (2) Team members, independently, with knowledge of the weapons. A weapons check will be conducted prior to the start of training and after any break in training such as lunch, classroom instruction, etc. Weapons checks will consist of checking each officer's primary and secondary weapons to ensure that the weapons are incapable of firing and/or loading a live round. This can be accomplished by:

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- “blue bolt” replacement that will chamber and propel only the designated marking cartridge, and/or
- any other obvious means which will prevent the gun from chambering or firing a live round, and
- members adhering to manufactures recommended safety protocolw

In addition to checking SWAT Team weapons, Team members will also be checked to ensure they have removed all live ammunition from their magazine pouches, tactical vest, pockets, etc. Any additional Team equipment that could cause injury (such as NFDD’s) to Team members or role players must be approved for use by the training instructor prior to the start of the training. No firearms capable of firing live ammunition will be permitted inside the designated safety area.

16.5 Protection Against Marking Cartridges

The Team uses marking cartridges as part of training. All participants, whether actively involved or evaluating training, are required to wear adequate eye, ear canal, throat and groin protection. The fascial must be rated to stop a 68-caliber paintball traveling at 300 ft./s. A balaclava is not sufficient for ear protection due to the possibility of marking cartridges tearing through the cloth material. Military issue goggles are also insufficient because the lens is too thin to reliably stop the marking cartridges.

16.6 Role Players

In order to protect role players during training scenarios they will become compliant when touched by a Team member and Team members will respond accordingly. If scenario training includes the use of defensive tactics, the role player will be outfitted with appropriate protective gear (fist or red man suit). Defensive tactics training that does not involve reality-based training scenarios does not require special protective gear.

The Team member who is running reality-based training scenarios will brief role players along with Team members regarding the safety expectations. Role players will also be checked for any weapons by the designated Safety Officer prior to the start of training and after any breaks. The Team member in charge of the training scenarios shall load the magazines and weapons used by the role players. The role players shall not be responsible for loading or reloading their weapons under any circumstances. Expectations for role players include, but are not limited to:

- strict adherence to instructions of the Team member coordinating training, including no deviation from the confines of the script,
- becoming immediately compliant when touched by a SWAT Team member, and
- wearing appropriate safety gear at all times when scenarios are in progress and until the training officers give the “clear” or “done” signal for each scene.

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16.7 Live-Fire Training

When conducting Live-fire weapons training and while on operations, Team members will follow the four (4) universal safety rules:

1. All weapons are always loaded,
2. Never point a weapon at anything you are not willing to shoot or destroy,
3. Keep your finger off the trigger and outside the trigger guard until you are on target and ready to shoot, and
4. Be sure of your target, backstop, behind and beyond.

The NCRS Team will typically run “hot” ranges. This means that it is expected that all weapons are always loaded. Team members are responsible for keeping their weapons loaded. All loading and unloading will be done on the firing line.

Scenario-based Live-fire training will require additional safety guidelines. Scenario-based Live-fire training will only be conducted when necessary to achieve the training objectives of the course being instructed. Live-fire shoot houses and Live-fire vehicle assaults are the primary scenario-based Live-fire training conducted by the NCRS team. All scenario-based Live-fire training will conform to the following guidelines:

1. Live-fire scenarios will be verbally trained and briefed prior to the beginning of the scenario,
2. All Live-fire scenarios will start with “dry runs” involving no weapons to ensure that the concepts/techniques are understood and that the safety practices are being adhered to,
3. Live-fire scenarios involving vehicles will be conducted from one side of the vehicle at a time, and
4. Frangible ammunition will be used for Scenario-based Live-fire exercises involving vehicles.

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17.0 Training and Deployment Records

The NCRS Team must maintain or have access to records pertaining to training, callouts, qualifications, certifications, and physical fitness.

The NCRS Team Commanders and Team Leaders must have access to records to successfully planned missions and training and to evaluate Team member performance. This can only be accomplished if the information needed is stored in a central location rather than dispersed amongst Participating Agencies.

17.1 Training

The Team Leader, Assistant Team Leader, or instructor who conducts the training is responsible for preparing the lesson plan, daily training schedule and after-action report for the training given, which includes a roster that lists names of the Team members who participated. The Team Leader forwards those documents to the NCRS Team Commander maintaining the records.

NCRS shall maintain copies of training records pertaining to their assigned SWAT Team member. Each Participating Agency is responsible to maintain records of training and maintenance for all Team equipment authorized for use by their SWAT Team members (i.e., firearms, chemical agents, NFDD's, etc.).

The SWAT Team Commander shall ensure that Team members use only specialized SWAT Team equipment for which there is documented training.

17.2 Team Activity

At the conclusion of each mission the primary Team Leader for that mission shall complete an "after-action report" forwarded to the NCRS Team Commander. All Team members who participated in a SWAT role on the mission will also complete a Team member's report. These reports, along with other documents generated by the NCRS Team during or for the incident, will be forwarded to the Team Commander maintaining records. Copies of these reports shall also be forwarded to the requesting agency representative for inclusion as necessary and filing of criminal charges.

17.3 Maintain Records

Under the direction of the NCRS Team Commander, the Assistant Team Commander in charge of records will maintain a file system that organizes and stores the SWAT Team documents, including monthly probationary Team member evaluations.

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Records will be retained in accordance with State retention polices.

The Assistant Team Commander also maintains the annual mission log that documents the date, type, location, and short summary of all missions.

17.4 Commander's Report

The NCRS Team Commander shall report annually to the Executive Board. That report shall include a summary of Team expenditures, Team training and callout/operations. The Team Commander shall provide a written copy of that report (or meeting minutes) to all Executive Board members.

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18.0 Sniper/Observer Program

NRCS Team Commanders and Team Leaders have a need for real-time reporting of on-site observations and tactical situations. In some situations, in which lethal force criteria are met, the safest way to end the confrontation is by precision rifle fire from a distance. The Sniper/Observer Team is charged with these responsibilities.

18.1 Concept

As employed in police tactical Team situations, the role of the Sniper/Observer will be limited to the following functions:

1. The Sniper/Observer uses their specialized training, positioning, and enhancing equipment to observe and report real-time intelligence to teammates and on-scene command personnel. Since the Sniper/Observer play such an integral role in intelligence gathering and Team protection, they will be deployed as a part of tactical operations whenever practical.
2. The Sniper/Observer provides protective overwatch to the Team, other officers, civilians and/or hostages by bringing precision fire against designated targets, with the intent to immediately terminate the dangerous actions of the targeted suspect(s). In this action, federal and state law relating to the use of deadly force by police officers as well as NCRS Team policies will regulate the Sniper's/Observer's decision.

18.2 Training Requirements for Sniper/Observer

1. After selection to the position as a Sniper/Observer, the Team member will attend and graduate from at least one (1) formal police sniper school.
2. To meet the needs of their position, the Sniper/Observer must receive ongoing instruction and practice in the following skills and disciplines:
    a. Field craft skills – this includes stocking, movement, camouflage, range estimation; and hide selection, construction and management.
    b. Tactics – this includes communications, site diagramming, and operation planning.
    c. Marksmanship – along with a regular, standardized qualification course, marksmanship training includes practice and cold shot accuracy, multiple shots, moving targets, partially obscured targets, intermediate barriers, up and down hill shooting, various distances and shooting positions, load light and no light shooting, and decision-making.
3. Training will be conducted monthly.

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4. Before the end of each year, the Sniper/Observer Team Leader will draft a 12-month training plan for the following year.

All training planned and done by the Sniper/Observer Team will be documented in writing by the Sniper/Observer Team Leader, who will forward copies to the Team Leader and Team Commander maintaining records.

18.2 Selection Criteria and Process for the Sniper/Observer

Sniper /Observer candidates will be selected from the roster of current NCRS Team members. Candidates must be in good standing with the team. Generally, the sniper candidate will be off Team probation, and should volunteer for the position. Selected candidates will join the Sniper/Observer Team on a tryout status. Regular/Deployable status as a Police Sniper will be achieved after the candidate has:

1. Graduated from a formal police sniper basic course
2. Passed the NCRS Team Sniper/Observer qualification course
3. Participated in at least three NCRS Team trainings and three additional Sniper/Observer Team trainings.

Officer must receive final recommendation by the Sniper/Observer Team Lead and be approved by the Team Commander.

18.3 Qualification and Performance Standards for the Sniper /Observer

To maintain deployable status as a sniper, each Sniper/Observer Team member will be required to meet the following standards:

1. Maintain deployable status as a member of the NCRS Team (carbine and pistol qualifications, physical fitness, etc.).

2. Pass the SWAT Team Sniper/Observer qualification course. This course will be designated to test the Police Sniper's skill as they apply to realistic job-related applications. This course will be administered at least twice a year.

3. Failure to pass the NCRS Team Sniper/Observer qualification course within two (2) consecutive attempts results in a non-deployable status in a Sniper/Observer role until the Police Sniper has remedial training and demonstrates proficiency/qualifies with their rifle.

18.4 Rifle Logbook:

Each Police Sniper assigned to the element will maintain a working rifle logbook, as demonstrated by best practices, and taught by the respective formal sniper school. This logbook will be kept with the assigned rifle and be presented as needed for inspection.

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19.0 Rescue Vehicles

To provide criteria for the use of the NCRS Team's armored rescue vehicles and establish an operational guide for their appropriate use.

When confronted with situations involving subjects who may be armed with firearms, it is essential that the Team use the protective qualities of our armored rescue vehicles whenever possible. Appropriate response with these vehicles limits a suspect's ability to kill or harm Team members through direct fire.

19.1 Concept

The MaxxPro MRAP and the Caiman MRAP, and other armored vehicles comparable in capabilities, are considered heavy armored rescue and deployment vehicles. They are intended to provide mobile cover from most rifle and handgun rounds.

The Participating Agency that houses/stores an armored rescue vehicle shall be responsible for keeping the vehicle clean and fueled.

19.2 Planned Operations

The suspects' known and/or assumed weapons shall be a primary factor in the Team Leader's choice of armored vehicles.

19.3 Deployment

A fully marked police vehicle shall escort either/or both vehicles when traveling on public roadways to and from incidents, when time and resources permit.

Only trained drivers shall drive any armored rescue vehicle during operations. Untrained drivers may operate an armored rescue vehicle in training under the immediate supervision of a qualified SWAT Team driver.

19.4 Driver Qualification

- Driver training shall include orientation of the vehicle and a driving course.
- Orientation shall include safety aspects and hazards of the vehicle, operation, and maintenance.
- Driving training shall include backing, turning, accelerating, and braking.
- All training shall be observed and documented by a Team Leader.

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- Team members shall qualify on the armored rescue vehicles annually.
- All driver trainee training/qualification documents shall be forwarded to the NCRS Team Commander maintaining records.

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20.0 Knock, notice and announcements

Inasmuch as police officers are required to comply with knocking, notice, and announcements rules established by local, state and federal laws, the NCRS Team shall comply with those rules.

20.1 Concept

When the NCRS Team prepares to serve a search warrant or an arrest warrant that would lead Team members into a private place/structure (such as a person's residence or place of business), as part of the plan, the Entry Team Leader will designate a Team member to knock on the structure and give verbal notice to the occupants. Prior to entering the structure, the designated Team member will knock on the structure and give verbal notice to the occupants. Such notice will be in a loud, clear voice, and shall include these elements:

1. The Team's identity as police officers,
2. The Team has a search warrant (or arrest warrant), and
3. The Team is demanding entry or other clear instructions to the occupants.
4. After making these announcements and having been denied admittance, the Team will wait a reasonable amount of time before entering the structure.

Team Leaders shall designate a Team member or negotiator to broadcast the same information over the public address system of one of the rescue vehicles as the Team is making the first "knock and announce."

An example of the above verbal requirements would be, "Residents of 123 Main St., this is the police. We have a search warrant for your residence, come to the door now."

20.1 Surrounded Callout Exception

An exception to the knock and announce requirement is when the SWAT Team surrounds the structure and calls inside, giving verbal notice of the warrant, followed by verbal commands to the occupants to exit the structure. This is commonly called a "surrounded callout." Prior to Team Members entering the structure to clear it, the Team will verbally:

1. announce the address of intent,
2. announce the Team's identity as police officers,
3. announce that the Team has a search warrant (or arrest warrant), and
4. give instructions to the occupants as the circumstances dictate.

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The above announcements will be broadcast over the public address system of the rescue vehicle by the assigned Team member or negotiator. In addition, members of the Negotiator Team may attempt to communicate (i.e. telephone) inside with the same information to the occupants.

20.2 Compromise Exception

An exception to the waiting requirement of knock and announce is when the Team is compromised prior to knocking on the structure. A compromise means:

- a Team member's attire bears markings that visually identify the Team as police officers,
- a person on the targeted property sees the Team approaching prior to knocking on the structure and shows noncompliance by their actions (i.e., attempted to flee or warn others of imminent police activity),or
- it is clear that knocking to give notice of police presence would be futile.

20.3 Announcements Upon Entry

Even when compromised, prior to making entry into the structure a designated Team Member will verbally:

- identify the Team as police officers,
- announce that the Team has a search warrant (or arrest warrant), and
- give commands or instructions to occupants as dictated by the situation.

In such circumstances, the involved Team members will document these exceptions on their after-action reports.

20.4 Emergency Exception

Under circumstances in which the SWAT Team is entering a structure to rescue a hostage, Team silence or deception can enhance the probability of a successful resolution. In such situations the requirements to knock and give notice may be waived when legal exigent circumstance exist in accordance with current local, state, and/or federal laws/rules. In such circumstances, the involved Team members will document these exceptions on their after-action reports.

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21.0 Public Records

Records of NCRS Team operations and training are held by the Team Commander or one of the Assistant Team Commanders. These records may include training records, a risk analysis form, an operational plan, after-action reports, each individual Team member's post operation report, mission notes, photographs of property damage, a running summary of SWAT Team callouts in the form of an annual after-action report, and other documents.

21.1 Protocol

When a Participating Agency receives a request for records that may be held by the NCRS Team, the Participating Agency shall refer the request to the Team Commander or Assistant Team Commander in charge of record-keeping. The Team Commander or Assistant Team Commander will then work with the Team Leaders to gather all responsive records. The Participating Agency receiving the request should work with its public disclosure staff to describe the request with sufficient specificity to allow the NCRS Team Commander (or Assistant Team Commander) to identify and provide the records being sought. If any clarification of the request is required, the Participating Agency receiving the request will obtain that clarification from the requester. All communication with the requester will be by the Participating Agency to which the request was submitted.

In consultation with the NCRS Team Commander (or Assistant Team Commander), it will be the responsibility of the agency to which the request for records was made is to estimate the time it will need to produce responsive records, determine which records are responsive to the request, and address any redactions permitted by law. The Participating Agency receiving the request should generally consult with the Participating Agency on whose behalf any SWAT Team callout was conducted to determine whether any exemption from public disclosure related to an ongoing investigation applies. The Participating Agency that receives the request shall bear the responsibility of complying with the Public Records Act in relation to its public records.

Nothing in this policy is intended to require a Participating Agency to collect or produce records that are not prepared, owned, used, or retained by that Participating Agency.

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North Cascades Regional SWAT Team SOP.pdf

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NORTH CASCADES REGIONAL SWAT TEAM ("NCRS")

STANDARD OPERATING PROCEDURES

Amat Victoria Curam

North Cascades Regional SWAT
Standard Operating Procedures

RECORD OF CHANGES

CHANGE NUMBER	DATE OF CHANGE	DATE ENTERED	BY WHOM ENTERED

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North Cascades Regional SWAT
Standard Operating Procedures

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North Cascades Regional SWAT
Standard Operating Procedures

SECTION 1

1.0 Purpose:

The purpose of this document is to establish the governing regulations for the management, selection, retention, training, equipping, and deployment of the North Cascades Regional SWAT Team (herein after referred to as "Team" or "NCRS Team").

1.1 Mission Statement:

The primary mission of the NCRS Team is to save lives, while safely apprehending dangerous criminal suspects. The Team does this by bringing additional training, equipment, and personnel to support the extraordinary enforcement needs of the participating police departments or other law enforcement entities.

Extraordinary enforcement needs include, but are not limited to:

- High risk search/arrest warrant service: the service of such search and/or arrest warrants for criminal investigations involving suspect(s) that are known or believed to be dangerous and pose a specific threat of serious physical injury or death when confronted by law enforcement.
- Barricaded subjects: the standoff created by an armed or potentially armed suspect(s) in any location, whether fortified or not, who is refusing to comply with arrest commands.
- Hostage situation: the holding of any person(s) against their will by armed suspect(s), or suspect(s) who are believed to be armed with a weapon or dangerous instrument.
- Sniper/observer situations: any situation in which a criminal sniper is acting against people or property.
- Terrorist acts: North Cascades Regional SWAT may be utilized in a broad variety of capacities during an act of terrorism. These may include hostage rescue, foreign service, immediate response, security, and support for bomb squads, among others.
- Dignitary protection: may be utilized for the protection of special persons, such as VIPs, witnesses, or suspects, based on threat or potential threat to the well-being of those persons.

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Any other occurrence requiring an extraordinary police response (beyond the capabilities of regular patrol officers or detectives) for which the unit has been trained.

The objective of NCRS Team is to resolve higher risk police operations or crisis situations while minimizing the risk of injury or loss of life to the people involved.

1.2 Utilization of the NCRS Team:

The goal of the NCRS Team is to support member agencies and other requesting law enforcement entities in tactical situations that are beyond the scope of regular patrol officers and require special tactics, weapons, and equipment to reach an appropriate, safe and lawful conclusion. North Cascades Regional SWAT is the primary tactical response team in the Skagit County and Oak Harbor area.

1.3 Life-safety priorities:

At the scene of a suspect-driven police operation or crisis situation, the life safety priorities are:

1. Hostage(s)
2. Innocent(s)
3. Team members and other police officers
4. Suspect(s)

It is important to remember that the order of these priorities do not change, unless one of the priorities is not in play in a particular situation. For example, if the situation is barricade with no hostage(s), the highest priority is the safety of other people and bystanders in the area.

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SECTION 2

2.0 Access to Standard Operating Procedures and Review

This manual contains policy and operating procedures for the NCRS Team. All Team members shall have access to either a physical or digital copy of this manual.

After approval and adoption of these policies and procedures by the Executive Board, the Team Commander (or designee) shall provide a physical or digital copy of the manual to each Team member. When updates and revisions of the manual are approved by the Executive Board, editions will be distributed the same way, and there shall be a process in place to confirm each Team member has received the manual and/or updates (typically a sign-off sheet). Each person having a copy of the manual shall take measures to protect it from loss or theft.

It is the responsibility of each Team Commander to review these policies on an annual basis to ensure congruence with current practice. As these policies are updated, the older versions will be archived in accordance with state retention laws for historical purposes and possible litigation.

It is the responsibility of each individual Team member to read, understand, and comply with the policies, procedures, and regulations described within this manual.

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SECTION 3

3.0 Administration of the NCRS Team

The governing body of the NCRS Team is the **Executive Board.** Refer to the NCRS Team Interlocal Agreement for the Executive Board makeup.

The Executive Board shall select one (1) Team **Commander** and may select two (2) **Assistant Team Commanders** from within the participating agencies.

3.1 Participating agencies

NCRS Team is a regional, multi-agency, multi-jurisdictional tactical team comprised of trained tactical officers from the following law enforcement agencies:

- **Former Skagit County Sheriff's Office SWAT agencies (which includes the Skagit County Sheriff's Office, Burlington Police Department, and the Sedro-Woolley Police Department)**
- **Oak Harbor Police Department**

Additional law enforcement agencies may be added through an addendum process.

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Organization of the NCRS Team¶
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This chapter establishes the order, chain of authority, chain of communication and individual reporting responsibilities for the NCRS Team.¶
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For a police special operations team to be the most effective, it must be a unity of command. For administration of the Team to be efficient, it must be an organizational structure. To handle incidents in the most effective and efficient manner, there must be an incident command system or incident management system ("ICS", or "IMS").¶
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4.0 Organization of the NCRS Team

This chapter establishes the order, chain of authority, chain of communication and individual reporting responsibilities for the NCRS Team.

For a police special operations team to be the most effective, it must be a unity of command. For administration of the Team to be efficient, it must be an organizational structure. To handle incidents in the most effective and efficient manner, there must be an incident command system or incident management system ("ICS", or "IMS").

4.1 Operational Structure

The Team Commander oversees the operational and training readiness of the Team and is the person who authorizes deployment of the Team. The Team Commander receives recommendations from the Incident Commander. The responsibilities of the Team Commander include, but are not limited to:

- obtain incident information from the Incident Commander and other sources as available
- recommend options for tactical response/resolution
- discuss tactical objectives with the Incident Commander
- establish a tactical operation center ("TOC") from which to direct SWAT operations
- brief Team Leaders and ensure all Team members are briefed accordingly
- in conjunction with the designated Team Leaders, formulate or approve tactical plans
- report monthly to the Executive Board:
  - recent operations
  - recent and upcoming training
  - monthly expenditures
  - equipment concerns
- attend regular meetings with Assistant Team Commanders and Team Leaders
- prepare an annual budget
- prepare an annual report
- approve all trainings
- approve all pre-planned operations
- review all after-action reports
- assign projects for research and development

ensure that necessary information is reported to local, state, and federal databases as appropriate.

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The Team shall develop appropriate agreements, protocols, and procedures for support relationships between and among neighboring teams within the greater North Cascades area. By establishing formal relationships with neighboring teams, North Cascades Regional SWAT will be better prepared to handle incidents which exceed their capabilities and resources. North Cascades Regional SWAT will establish an external Memoranda of Understanding ("MOU"), in compliance with any local, state, or federal law.¶

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4.2 Incident command system

The Team operates within an incident command system. The structure is flexible and adaptable from one incident to another. In its smallest form, at every police operation involving the NCRS Team there shall be a clearly defined Incident Commander in charge of the overall incident.

The Incident Commander shall be a command level officer, preferably from the jurisdiction from which the incident originated. The Incident Commander has overall responsibility for the incident and has decision-making authority over on-scene matters.

Incident Commanders vary by incident and jurisdiction; therefore, Incident Commanders are not an organizational component of the Team.

The Incident Commander should remain at the command post and is responsible for:

- monitoring incident developments
- determining incident priorities, goals, and objectives
- managing incident resources
- establishing or approving rules of engagement
- maintaining an outer perimeter (through use of non-SWAT personnel)
- establishing a staging area for responding resources
- designating a public information officer ("PIO") and media contact location
- assigning a recordkeeper to log developments, decisions, and key communications throughout the incident
- coordinating tactical support and communication efforts with the suspect(s)
- assigning an investigative/intelligence officer
- updating key political officials
- ensuring a Safety Officer has been assigned, as appropriate

The Team Commander operates under the direction of the Incident Commander. The Team Commander confers with the Incident Commander, discusses options, and suggests feasible solutions to the situation. The Team Commander assigns tactical objectives to Team Leaders.

In a coordinated effort, Team Leaders develop the specific plans regarding how to carry out their assigned portions of the Team Commander's objectives. Team Leaders present their plans to the Team Commander for approval. Team Leaders assign individual Team members to accomplish specific tasks within their plans. For incidents that are in progress, this planning and approval process may be verbal.

For operations that are planned in advance, (such as a warrant service), the Team Commander designates a Team Leader as the Primary Team Leader of the operation. The Primary Team Leader participates with another Team Leader or Assistant Team

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Leader in scouting the location and developing a plan for the operation. The Primary Team Leader presents (and discusses) the plan to the Team Commander for approval. After approval, the Primary Team Leader briefs the operation to the Team.

Team Leaders ensure that individual Team members fully understand the plan and act according to the plan details. Team Leaders monitor, control, and direct the actions of assigned individual Team members.

4.3 Annual Report

The Team Commander will submit an annual report to the Executive Board no later than the second meeting of every year. The report will contain a summary of training, mission analysis, and a short summary of all activations, finance, and personnel updates for the year.

4.4 Team Leader Selection

After consulting with the Assistant Team Commanders, the Team Commander makes recommendations to the Executive Board regarding selection of operational Team Leaders ("TL"). Tactical experience, leadership ability and a tactical environment are the primary considerations for selecting Team Leaders, in addition to the official supervisory rank at their home agency. The intent is to develop ranking Team members, so they eventually assume operational leadership roles on the Team. The Executive Board confirms all Team Leader appointments.

4.5 Team Leaders Responsibility

Team Leaders receives assignments from and report to the NCRS Team Commander. At some incidents, other NCRS Assistant Team Commanders may oversee branches of the operation, such as perimeter containment or Sniper/Observer coverage. In those cases, the applicable Team Leaders report to their designated Team Commander during that operation.

- carrying out the details of an identified tactical plan
- brief assigned Team members as to the mission, objectives, and plan
- ensure necessary Team equipment and weapons are procured, and that no unauthorized equipment is deployed when executing the plan
- prepare contingency plans to encounter possible suspect actions. Tactics and maneuvers shall be approved by the Team Commander, except in an emergency response to precipitous action(s) by the suspect(s).

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Operational structure of the North Cascades Regional SWAT Team¶
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The Team Commander oversees the operational and training readiness of the Team and is the person who authorizes deployment of the Team. The Team Commander receives recommendations from the Incident Commander. The responsibilities of the Team Commander include, but are not limited to:¶
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4.6 Team Roles

Assistant Team Leaders ("ATL") are designated to assist Team Leaders in planning and carrying out missions during an operation. In absence of a Team Leader, a selected Assistant Team Leader may fill the Team Leader role if needed.

The Team Commander may designate any current Team member as a Temporary Team Leader or Temporary Assistant Team Leader for all or a portion of an operation in absence of a Team Leader and/or Assistant Team Leader.

At Team deployments all **Individual Team members** are assigned under the direct supervision of a Team Leader or an Assistant Team Leader. Individual Team members take direction from and report to their assigned Team Leader or Assistant Team Leader during that operation. Team members are responsible for carrying out the plans and objectives as directed by their designated Team Leader or Assistant Team Leader.

Team members shall only use weapons and/or equipment for which they are trained and currently qualified to operate. Such weapons and/or equipment must comply with Team procedures and practices. See Specialized Training Section Pg.12 for further discussion on Use of Weapons.

Perimeter Team(s) are under the direct supervision of a Team Leader. The primary mission of the inner Perimeter Team is to prevent the suspect(s) from fleeing and/or to capture the suspect(s) if they attempt to/do flee. In coordination with the Arrest Team and as needed by the circumstances, secondary missions are to gather and report intelligence information, assist with evacuations of uninvolved persons, assist with delivery of items (such as throw phones) to the suspect's stronghold. Additional responsibilities can include chemical munitions and less lethal weapons deployment.

Sniper/Observer Team(s) are under the direction of a Team Leader. The Sniper/Observer team has primary responsibility for long-range precision rifle fire at selected targets in response to a lethal threat or upon a specific order. They are the primary counter sniper group and as such they are often called "police snipers." Police Snipers also observe, and report updated information pertaining to the incident location and suspect/hostage movement.

Arrest Team(s) are under the direction of a Team leader. Their primary mission is to receive persons and take suspects into custody when they exit the target location. Other assignments may include a "utility" function, such as delivering a telephone or other items to the suspect's stronghold. The Arrest team may also deliver chemical agents into the stronghold.

Emergency Rescue Team(s) are under the direct supervision of a Team Leader at a hostage situation. The primary mission of the Emergency Rescue Team is to rescue the hostage(s) when the sudden need or a clear opportunity arises, prior to implementation

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of a deliberate rescue plan. The Emergency Rescue Team handles suspect/hostage confrontation, down officer rescue, emergency entries and hasty search plans, hostage rescues and other emergency actions within the inner perimeter as the situation dictates.

Deliberate Team(s) js under the direct supervision of a Team Leader. The Deliberate Entry Team has primary responsibility for developing a thorough resolution plan for tactical incidents. As time allows, the Deliberate Entry Team shall formulate plans and rehearse actions for breaching, searching, and clearing, hostage rescue, suspect neutralization, vehicle interdiction and other deliberate tactical resolutions as may be needed.

Depending on the physical space, time and situation, the delineated Team roles as described above can overlap.

4.7 Specialized Training:

All Team members are primarily trained as perimeter and entry personnel. In addition, all Team members will have some training in the utilization of assigned vehicles such as equipment vehicles, vans, armored vehicles (i.e., MRAP), as well as the use of electronic, audio and video equipment used by the Team. There is a need for some Team members to have special secondary skills in order to manage SWAT situations successfully.

The following are designated as formal specialties within the SWAT Team structure:

- **Breachers:** Team members trained to use mechanical tools to force entry into structures.
- **Shield:** Team members trained in the use of ballistic shields.
- **Sniper/Observer:** Team members trained in the use of extended and scoped rifles.
- **Launcher-Deployment:** Team members trained in the use of chemical agents and less lethal munitions and weapon platforms.

Team members trained in the specialties must maintain their knowledge and skills in these areas. Prior to becoming operational in any of the specialties, Team members must go through the specific training and certification curriculum outline for each.

4.8 Training

The Team Commander, Assistant Team Commanders and Team Leaders will select three (3) Officers from within the Team to be **Training Coordinators.** The Training Coordinators will take direction from the Team Leaders and Team Commanders on the training needs of the Team. The Team Commander approves all lesson plans. The Training Coordinators are responsible for ensuring lesson plans are completed, training sights are selected, and instructors have what they need for their topic. Upon completion

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Team activations can take one of two forms, either a "**full team**" callout or an "**on duty**" callout. A "**full team"** callout is utilized typically on all situations when SWAT personnel and resources are needed to bring a safe resolution to an incident, whether planned or in progress. An "**on duty**" callout occurs only as a supplemental resource to existing patrol or detective staff and typically is due to manpower concerns. Once team members in an "**on duty**" callout are on scene, either the team commander, team leader, assistant team leader, or senior team member would confer with the incident commander of the requesting agency and determine if further SWAT resources are needed. If so, the incident commander should consider a full team activation. An "on duty" callout is similar to any other outside agency requests for resources such as K-9, air support, etc.¶
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of the training, they also ensure roster sign-in sheets, power point presentations, all other training material, and after-action reports are forwarded to the Team Commander.

Team Leaders, ATL's, and other experienced Team Members conduct and assist with most of the Team training.

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5.0 Callouts

This Chapter establishes criteria and procedures for calling North Cascades Regional SWAT to service.

Activation and deployment of the NCRS Team must be approved by the Chief of Police or Sheriff, or his/her designee, of the requesting jurisdiction. The decision to activate the Team shall be made by the NCRS Team Commander.

For operations that are planned in advance, such as warrant service, a written "risk analysis" shall be completed and submitted to the Team Commander for review and consultation at which time a decision to use the Team will be made. For incidents that are suspect driven (i.e., in progress situations), analysis and determination by Team Commanders may be verbal, using the following guidelines:

- In planned missions, such as search warrants, the approving Team Commander will review and approve the risk analysis form. The risk analysis form will be filed by the Team Commander with the final after-action report for that incident.

- The Team shall not attempt a tactical maneuver or task for which, in the opinion of SWAT Team Commander, the Team is not properly trained or equipped, or for any other reason determined by Team Commander. If the Team Commander believes an operation or maneuver unnecessarily endangers Team personnel and to ensure there is a reasonable assessment of Team safety in light of the Team mission to save lives and apprehend suspects, the Team shall not be utilized.

5.1 Callout Criteria

Whether for a planned operation or for an incident in progress, factors that may justify calling out the Team include, but are not limited to:

- suspect(s) is/are reported to be armed with a firearm, or is reported to have access to automatic weapons or explosives
- suspect(s) with a violent criminal history
- a location that is protected by vicious animals
- fortified locations
- the crime(s) involved are often associated with weapons
- suspect(s) who is/are affiliated with a violent, antisocial, or antigovernment group
- suspect(s) who made threats of violence towards police
- other hazardous conditions

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5.2 Callout Procedures

A NCRS Team activation occurs when an Agency Command Representative calls the Team Commander and requests SWAT support.

Team activations take one of two forms, either a "**full team**" callout or an "**on duty**" callout. A "**full team"** callout is utilized on situations when SWAT personnel and resources are needed to bring a safe resolution to an incident, whether planned or in progress.

An "**on duty**" callout occurs only as a supplemental resource to existing patrol or detective staff and typically is due to the complexity of the incident. Once team members in an "**on duty**" callout are on scene, either the team leader, assistant team leader, or senior team member would confer with the team commander to determine if further SWAT resources are needed.

The requesting agency shall provide the information to the NCRS Team to complete a risk analysis form and shall include at least the following information:

- brief description of the situation, including address of the incident the crime involved and a brief description of the probable cause, the suspect's weapons and other hazards known about the suspect's location.
- person currently in charge of the incident and a means (such as a phone number) to contact that person; and
- location of the command post and the route by which Team members should respond.

The NCRS Team Commander or his/her designee determines the number of resources called to a given situation. This may range from parts of the Team to the full Team.

5.3 Notification System

Each participating agency in the Team will utilize a notification system (Example: Code Red & iAmResponding) or similar messaging system for purposes of alerting Team members of an activation. It shall be the responsibility of the individual Team members to update the Team Commander or Assistant Team Commanders of any change of phone numbers for entry into the notification system.

Each participating agency shall maintain a callout roster for their assigned Team members. Member agencies shall supply the Team Commander a roster for their assigned Team member(s). Team members shall immediately report any change in telephone numbers to their respective home agency and the Team Commander.

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5.4 Duties upon Arrival

The jurisdiction in which the incident is occurring, or which generated the incident, shall designate an Incident Commander to oversee the operation.

The first Team Leader or Team Commander to arrive at the scene of the incident shall obtain information from the on-site supervisor in preparation for briefing other NCRS personnel and may designate NCRS Team personnel to form an emergency or hasty rescue team. The first responding Team Leader or Team Commander shall initiate preparations for establishing a tactical operation center ("TOC") command post. All Team members responding to an activation will check in with the command post and will receive a situation briefing to include description of the suspect and probable cause prior to deploying to the scene.

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6.0 Mutual Aid

The Team shall develop appropriate agreements, protocols, and procedures for support relationships between and among neighboring SWAT teams within the greater North Cascades area. By establishing formal relationship with neighboring SWAT teams, NCRS will be better prepared to handle incidents which exceed capabilities and resources. NCRS will establish an external Memorandum of Understanding (MOU), in compliance with local, state, and federal law.

6.1 Guidelines regarding North Cascades Regional SWAT and Outside Agencies (OSA) or other jurisdictions

For in progress incidents that meet North Cascades Regional SWAT callout criteria, if requested by an outside agency's command level officer (Lieutenant or higher rank), the request must go to the NCRS Team Commander or his/her designee. The Team Commander will notify the Executive Board Chair when initiating the Team callout. If the Executive Board Chair cannot be reached, the Team Commander shall notify a different member of the Executive Board.

For planned operations (such as warrant service), the following guidelines apply:

Planned Operations	Protocol
OSA has an operation (i.e. warrant for service) inside the NCRS Team jurisdiction and the OSA **has** a SWAT team.	First preference: OSA uses their own SWAT team. North Cascades Regional SWAT offers a liaison. Alternative: at the request from the OSA mid-level management or above (Lieutenant or higher rank), the NCRS Team may serve the warrant.
OSA has an operation (i.e. warrant for service) inside the NCRS Team jurisdiction, and the OSA has **no** SWAT team.	At the request from the OSA mid-level management or above (Lieutenant or higher rank), the NCRS Team may serve the warrant.
OSA has an operation (i.e. warrant for service) inside the OSA's own jurisdiction.	If the OSA has a SWAT team, first preference is the OSA's SWAT team serves the warrant. Alternative: If the OSA has no SWAT team, a request from the OSA mid-level management or above (Lieutenant or

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	higher rank), the NCRS Team may serve the warrant.
OSA has an operation (i.e. warrant for service) inside a different OSA jurisdiction.	First preference: refers OSA warrant to the agency having jurisdiction over the location. Alternative: At the request from the OSA mid-level management or above (Lieutenant or higher rank), the NCRS Team may serve the warrant.

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SECTION 7

7.0 Communication

Communication among Team members and the command post are vital to ensure a successful resolution to an incident. Team Commanders must also be able to contact Team members during their off-duty time so Team members can respond in a timely manner to NCRS Team operations.

The protocol detailed below is needed for effective and efficient communication.

7.1 Radio

During all NCRS Team activations, a tactical radio frequency shall be designated. Use of that frequency shall be limited to tactical communications. A secondary frequency may be used and designated for specialty assignments, such as the Sniper/Observer Team. Non-NCRS Team communications from the command post involving support services shall be conducted on a different radio frequency.

An incident Record Keeper shall be designated by the Incident Commander and a written record will be maintained for command decisions and Team actions. In absence of a designated Record Keeper, all Team radio communications shall be conducted on a frequency that is monitored and recorded by the local agency's dispatch center.

Cell phones and direct connect devices may serve as valuable alternative communication tools to keep lengthy or operationally sensitive conversations off the officer tactical frequency, and to serve as backup communications when radio reception is unclear or weak.

7.2 Callout Devices

Every member of the Team shall maintain a device capable of receiving the notification system notifications. Devices shall remain functional twenty-four (24) hours a day, seven (7) days a week and will be carried by Team members at all times when they are assigned to be available for callout response. Team callouts for in progress incidents and for most planned incidents will be accomplished through these paging or cellular devices.

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8.0 Use of Force

At times, it is necessary to respond with force in order to overcome resistance by a suspect(s). Responding with force must be objectively reasonable and within current local, state and federal rules/laws.

8.1 Concept

Force responses shall comply with guidelines established by RCW 9A.16, RCW 10.120 and RCW 10.31, as well as the department policies of individual Team members.

In addition to what is written on the Team after-action report forms, force responses shall be documented in accordance with a Team member's home agency force policy. Team members shall use their home agency reporting documents and reporting process.

8.2 Use of Force Investigations

The Team member's home agency will be the lead agency for investigating any use of force with exception to the application of deadly force, which shall be investigated as detailed below. Any deviation from this policy will be at the recommendation of the Executive Board.

If deadly force is used by any member of the Team, the Skagit Multi-Agency Response Team ("SMART") will take the lead in the subsequent investigation. The cooperative interagency agreement between SMART and member agencies will serve as the guidelines for an investigation. Any deviation from this policy will be at the recommendation of the Executive Board (i.e., if officers from multiple agencies are involved in the use of deadly force and SMART is unable to fulfill its mission).

8.3 Life Safety Priorities:

At the scene of a suspect driven police operation or crisis situation, the life safety priorities are:

1. Hostage(s)
2. Innocent(s)
3. Team members and other police officers
4. Suspect(s)

It is important to remember that the order of these priorities do not change, unless one of the priorities is not in play in a particular situation (in other words, if the situation is a

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barricade with no hostage(s), the highest priority is the safety of other citizens and bystanders in the area).

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9.0 Complaint Procedures

Allegations of misconduct regarding members of the NCRS Team will be investigated. Since NCRS Team consists of police officers from several different agencies, each home agency must comply with their respective policies and labor agreements while investigating complaints of misconduct.

To avoid duplication of efforts, the following guidelines should be followed to ensure a complete, thorough, and fair investigation for all parties involved.

9.1 Receiving the Complaint

If a complaint arises from the jurisdiction where NCRS was used, the agency that receives the complaint will be designated as the Lead Agency.

9.2 Lead Agency Responsibilities

The Lead Agency will:

1. assign an investigator,
2. interview the complainant,
3. notify the Team Commander of the complaint,
4. conduct interviews of non-police witnesses,
5. provide copies of all investigative materials to the agency/agencies that employ(s) the involved Team member(s), and
6. notify the complainant regarding the outcome of the investigation.

9.3 Participating Agency Responsibilities

Each Participating Agency will:

1. interview their Team member(s) who is/are being investigated and others who were present or near those actions as potential witnesses,
2. combine their interview documents with those received from the Lead Agency and forward the packet to their professional conduct team,
3. follow their agency's policies for remediation of any allegations of misconduct, and
4. notify the Lead Agency and the NCRS Team Commander of their findings.

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10.0 Team Selection Process

Due to the critical nature of the NCRS Team operations, it is essential that only qualified fulltime commissioned police officers be selected as operators of the NCRS Team.

NCRS Team Commander with the approval of the Executive Board, may designated Auxiliary Members to the NCRS Team. An example of an Auxiliary Member role is the Tactical Emergency Medical Support (TEMS) element.

The following criteria or guidelines are set forth to help each agency determine the qualifications of officers and to ensure that applicants meet the Team standards.

10.1 Selection criteria

Each agency selects their SWAT Team candidates. The NCRS Team has standards of performance that must be met by all Team members. Individual agencies must include the NCRS Team standards as part of the assessment and selection process. The purpose of selection criteria is to assure appointment of the individuals who are best suited for success on the team.

Selection criteria should include review and evaluation of each applicant's:

- experience - minimum of two years full-time law enforcement experience is required (the applicant's total law enforcement experience in any military setting should be considered and specialized training such as EMS, firearms, or tactical is desirable)
- psychological makeup – history of good mental health and personal discipline are required
- past performance indicating an ability to function as a Team member
- professional disciplinary action or sustained allegations of misconduct
- demonstrated high levels of good performance in their present work assignments
- physical fitness - must meet or exceed the NCRS Team physical fitness requirements
- shooting skill - must be able to meet or exceed the Team firearms performance standards
- interest in SWAT

10.2 Selection process

The selection process for the NCRS Team should include, at minimum, the following:

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1. Written application or letter of interest from the officer
2. Written recommendation from the applicant's primary work supervisor
3. Employing agency's review of qualifications and work history
4. Physical fitness test
5. Oral Executive Board interview
6. Team Problem Solving Exercise/Assessment

10.3 Retention

The NCRS Team is a voluntary organization. Based on its importance to the member agencies and liability involved, members are expected to be dedicated, well-trained, skilled Team members and professional law enforcement officers in every aspect.

The NCRS Team expects the standards of each Team member to exceed what is expected of non-SWAT officers in the Team member's performance, appearance, attitude, and work ethic. Each member is expected to be held accountable to these higher standards.

Each member of the Team must meet and maintain the standards in order to remain assigned to the Team.

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SECTION 11

11.0 Team Dismissal and Suspension processes

There may be reasons why a person is no longer capable of continuing as an NCRS Team member. There needs to be a process for suspension and/or removal when appropriate.

11.1 Dismissal from the NCRS Team

Removal from the NCRS Team may occur by one of two methods:

1. Removal by the NCRS Executive Board
   All recommendations to remove team members from NCRS shall be forwarded to the Executive Board for final review and decision. In the case of any split decision or "tie" by the Executive Board, the Team Commander shall cast a deciding vote. NCRS Team Members may be removed by action of the Executive Board at any time and for any reason, with or without cause.

2. Removal of a Team member may occur at sole discretion of the Chief or Sheriff of the respective officer's home agency.
   The recommendation to remove an officer may be made by the Team Commander.

11.2 Suspension

Any personnel assigned to NCRS may be suspended by action of the Team Commander after consultation with other Team Commanders and Team Leader(s). The suspension of any Team member shall immediately be reported to members of the Executive Board and the authorized Command Staff representative of that Team member's agency.

Considerations leading to suspension or dismissal from the Team may include, but are not limited to:

- a pattern of failing to attend training
- a pattern of failing to respond to operations
- inability to qualify with firearms
- a pattern of professional disciplinary action or sustained allegations of misconduct
- inability to meet minimum physical fitness standards
- repeated safety violations
- repeated tactical errors
- inability to function as a Team member

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- the inability of a probationary Team member to meet Team expectations, as determined by the Team Commanders, may be subject to a process for suspension and/or removal from the Team.
- failure to successfully complete SWAT Basic may be cause for removal, unless waived by consensus among the Team Commanders that the person's aggregate SWAT training is sufficient.
- team members who fail to meet the Team's physical fitness standards are not deployable in a SWAT Team role and remain non-deployable until they successfully complete the entire physical fitness test. Team members will have thirty (30) days from the date of failure to successfully pass the entire physical fitness test. Members who fail the subsequent test may be subject to a process for suspension and/or removal from the Team. The totality of circumstances will be reviewed by the SWAT Team Commanders.

11.3 Suspension/Dismissal from Sniper/Observer Team

The inability to maintain standards while performing duties as a Police Sniper may be cause for dismissal from the Sniper/Observer Team. Dismissal from the Sniper/Observer Team does not necessarily mean immediate removal from the NCRS Team. Dismissal from the Sniper/Observer Team may be appropriate when the officer fails to meet one or more of the following standards:

- failure to successfully complete the SWAT Basic (40) hour course
- failure to successfully complete a sniper basic course of at least forty (40) hours
- failure to participate in required NCRS Sniper/Observer Team training sessions,
- inability or lack of proficiency with a precision rifle to meet specified Sniper/Observer Team standards,
- a recommendation by the Sniper/Observer Team Leader that the officer is not deployable as a Police Sniper, or
- failure to attain or maintain the sniper certification process as recognized by the Executive Board.

The criteria above are not considered all-inclusive, and each violation should be documented by the Team Commander and/or Team Leader.

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SECTION 12

12.0 Status and assignments of new Team members

It takes time to develop proficiency as a member of the NCRS Team. This policy establishes procedures for guiding and assigning new Team members until they become experienced operators.

12.1 Probation

Probation is a continuation of the selection process. Selection process is not complete until the Team member successfully completes probation with the NCRS Team. When a new member of the NCRS Team attends training each month, a normal probationary period is one year from the time of appointment to the Team. Probation may be extended due to missed training or for questionable performance issues. Probationary status remains in effect until the Team member successfully completes SWAT Basic regardless of how long the officer has been on the Team.

Probationary Team members' ability, attitudes, teamwork, and general progress will be evaluated throughout the probationary period. The NCRS Team Commander will receive a monthly evaluation form, completed by a designated Team member for each probationary Team member. Inability of a probationary Team member to meet Team expectations may be cause for removal from the NCRS Team.

12.2 Assignments

Deployment - Except under exigent circumstances, a NCRS Team member will not be assigned to a SWAT Team role until they have:

1. successfully completed SWAT Basic (NTOA or WSTOA Approved Course),
2. participated in at least two monthly training cycles with the NCRS Team, and
3. demonstrated proficiency at the NCRS Team level with their handgun and any other firearm which they would deploy.

Occasionally a new member must wait several months prior to attending SWAT Basic. When there is a consensus among the NCRS Commanders that the officer's aggregate SWAT training is sufficient, requirement one (1) above may be waived.

Team members working toward deployment satisfaction respond to callouts and fill assignments that any experienced police officer could perform at a police incident. These assignments include, but are not limited to:

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- driving a vehicle used in an operation, provided that the vehicle is one with which the Team member is familiar as a driver
- guarding a deployment vehicle
- outer perimeter duties
- assisting with the command post

In order to deploy with the Team and perform any duties, Team members must, at a minimum, be currently qualified with their pistol and rifle at their home department standard.

Entry Team - Except under special circumstances as determined by the NCRS Team Commander, new members of the NCRS Team will not be assigned to an Entry Team on a SWAT operation until there is consensus among the Team Leaders that the member has reached competency as an Entry Team member. Prerequisites to Entry Team status include:

1. successful completion of SWAT Basic
2. participating in at least six training cycles with the NCRS Team
3. demonstrated proficiency at the NCRS Team level with their pistol and shoulder fired weapon

Sniper/Observer Team - Generally, new members of the NCRS Team will not be assigned to the Sniper/Observer Team until they have successfully completed their SWAT Team probationary status. When initially assigned as a sniper, the assignment is on a tryout basis. This trial will last at least three months. A Team member assigned to the Sniper/Observer Team will not deploy on a police operation with a precision rifle until they successfully complete the trial phase. The trial phase includes:

1. successful completion of a basic sniper course of at least 40 hours as approved by the Sniper/Observer Team Leader
2. participation in at least three (3) Sniper/Observer Team training sessions
3. demonstrated proficiency with a precision rifle at the NCRS Team level
4. recommendation from the Sniper/Observer Team Leader that the officer is ready to deploy as a Police Sniper

Limited duty - Existing Team members may be assigned to temporary limited duty for failure to meet Team standards. Limited duty may include restricted use of specific equipment or weapons, limited tactical utilization and limited assignments. Limited duty may be assigned when a Team member:

- fails to demonstrate firearm proficiency at the NCRS Team level at any Team qualification session,
- is absent from four consecutive SWAT Team trainings,
- fails to obtain necessary operator training in the use of Team equipment or weapons,

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- fails to maintain Team standards of physical fitness, or
- fails to maintain other Team standards.

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SECTION 13

13.0 Team equipment

This policy provides direction and guidance for the equipment used by the NCRS Team.

13.1 Concept

Each individual department is responsible for the purchase, maintenance, and repair of equipment and supplies used by its assigned Team members. Ongoing research and evaluation of proposed equipment or technology will be assigned by the Team Commander. Results and recommendations will be documented and reviewed by the Team Commanders and/or Team Leaders.

Each Participating Agency shall strive to obtain and maintain individual and Team equipment that meets the relative equivalent of other Participating Agencies. Team members will be issued the minimum equipment listed Sections below.

Participating Agencies may be assigned to store and maintain Team equipment. The Participating Agencies are expected to ensure the NCRS Team equipment is operationally ready at all times.

13.2 Team members responsibilities

Each Team member has a responsibility for appropriate care and use of Team and individual equipment. No Team member shall use a piece of equipment for which they have not been trained.

Each Team member is responsible for proper maintenance and sight adjustments (maintaining a proper start "zero") of their assigned firearms. Team members shall wear ballistic protection to include helmets and body armor during all call outs and tactical assignments. Body armor shall consist of rifle rated plates combined with soft body armor. They shall also include groin protection and shoulder/bicep protection. Limited exceptions may be approved by the SWAT Team Commander or designated Team Leader, only when a necessary tactical maneuver cannot be accomplished as effectively while wearing armor, and the potential danger to the affected Team member is not excessive. Police Snipers may be a consistent exception to this requirement.

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13.3 Team uniforms

Each Team member of the NCRS Team shall be issued, and keep in good condition, two (2) complete uniforms. These uniforms shall be purchased for the Team member by their home agency. Uniforms shall be in the "green" color and boots shall be in the "desert tan" color. Variations and exceptions to the uniform may be approved by the SWAT Team Commander. One exception may be the use of camouflage uniforms worn by Police Snipers.

13.4 Team member personal equipment

Some equipment is issued to each Team member individually. Other equipment is considered Team equipment and will generally not be issued directly to an individual Team member. Personal equipment is the responsibility of each Team member. All equipment must be maintained in a clean and serviceable manner. Personal equipment includes, but is not limited to the following. See Current NCRS Equipment List).

1. Personal protective equipment: helmet, body armor, eye and ear protection, gas mask.
2. Uniforms.
3. Uniform equipment: each Team member will be assigned the appropriate loadbearing gear for their assignment on the Team. The equipment may include the following: loadbearing/duty belt; handgun holster; ammo pouches; gas mask pouch; weapon mounted flashlights and any other equipment as deemed necessary based on assignment.
4. Handguns and rifles: weapons shall be supplied to each Team member by their home agency. If a Team member is no longer assigned to North Cascades Regional SWAT, those weapons will be returned by the Team member to their home agency.
   Personal equipment shall be inventoried by the Team member on an annual basis. Any discrepancies will be reported to that Team member's agency with notification to the Team Leader.

13.5 Specialty Impact Munitions

Impact Munitions provide the Team with the option to use a less lethal amount of force on suspects for distraction techniques, for defense against aggressive animals, and for disabling surveillance equipment, etc. It is the responsibility of the Team member operating such munitions to ensure that the proper munitions are utilized. Members of the NCRS Team must be properly trained prior to utilizing these munitions. Certification of this training will be kept on file with the Team.

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13.7 Conducted Energy Weapons

Conducted Energy Weapons are used for the temporary disabling of noncompliant persons. Members of the NCRS Team must be properly trained prior to utilizing this equipment. Certification of this training will be kept on file with the home agency and will be provided before carrying for NCRS operations.

13.8 Chemical Agents

Chemical Agents are used to encourage subjects to leave a particular area or discourage subjects from entering a location. Members of the NCRS Team must be properly trained prior to utilizing these agents. Certification of this training will be kept on file with the Team.

13.9 Breaching Equipment

Breaching Equipment is used to forcibly gain access to a secured or barricaded location in an expeditious manner. Members of the NCRS Team must be properly trained prior to utilizing this equipment. Certification of this training will be kept on file with the Team.

13.10 Breaching Projectiles

Breaching Projectiles, commonly known as “shok lock rounds” or equivalent, are weapon fired projectiles manufactured with the intent to defeat entry point hinges and/or locking mechanisms. Only Team members trained in the use, effects, hazards and methods of deployment, are authorized to use Breaching Projectiles. Certification of this training will be kept on file with the Team.

For planned operations (such as warrant service), the use of Breaching Projectiles must be preauthorized by the SWAT Team Commander in charge of the operation and included in the operations order. In emergency situations, the Team Commander’s approval is not needed. Breaching Projectiles may also be used to stop an animal that poses an imminent threat to a person’s safety or to stop a person when the situation justifies a lethal force response.

13.11 Noise Flash Diversionary Devices

Noise Flash Diversionary Devices, commonly known as “flash bangs” or “NFDD’s”, are less lethal munitions that are used to distract and/or disorient, minimize resistance, and increase safety. Only Team members trained in the use, effects, hazards and methods of deployment are authorized to use NFDD’s. Certification of this training will be kept on file with the Team.

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For planned operations (such as warrant service), use of NFDD's must be preauthorized by the SWAT Team Commander and included in the operations order. When circumstances develop that indicate a need for an emergency diversion, Team members may place an NFDD without the Team Commander's authorization.

13.2 Team Equipment Repair or Replacement

Equipment acquired by the NCRS Team will be assigned to the Participating Agencies at the discretion of the SWAT Team Commanders. Team equipment assigned to Participating Agencies will be maintained by the agency and inventoried by the SWAT Team Leaders. When a piece of Team equipment becomes damaged or is not deployable, the Participating Agency responsible for that equipment will notify a SWAT Team Leader as soon as possible. When Team funds are approved for repair or replacement, the Participating Agency housing the equipment will make appropriate arrangements for such repair or replacement.

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14.0 Firearms

NCRS Team members will adhere to the firearms policies of their home agency, the policy herein, and shall meet NCRS Team standards for proficiency and care.

14.1 Concept

Team members shall use only those firearms:

1. that are authorized for SWAT service by their employing agency,
2. for which the Team member was trained, and
3. on which the Team member is currently proficient, according to the NCRS Team level (on the applicable NCRS Team firearm qualification course).

Each Participating Agency shall ensure that their Team members have received all necessary specialized firearms training, orientation, familiarization, and demonstrated proficiency in the operation of all firearms used and expected to use. Each Participating Agency shall maintain training records pertaining to the firearms training and qualifications of their respective Team members.

Each Participating Agency shall maintain records of the weapons they assign to their Team members for the use on the NCRS Team. Those records shall indicate when and what modifications or repairs are done to each weapon. Repairs and modifications shall be done by a certified armorer or competent gunsmith and shall be in accordance with the Participating Agency's firearm policies. Repairs and modifications to weapons used on the NCRS Team shall not hinder or obstruct the manufacturers' safety mechanisms of the weapon.

Only ammunition that is approved and issued by the Team member's home agency shall be used.

All firearms must always be handled as loaded weapons. Team members must positively identify their targets and be aware of their backstop. Team members must be conscious of what the muzzle of their weapon points at and maintain muzzle discipline at all times.

While searching for or covering potential threats, weapons will be mounted or held in the low ready positions, unless circumstances dictate otherwise. The trigger finger remains indexed (outside the trigger guard, extended on the receiver) until the Team member makes the decision to actually discharge the weapon.

Firearms that are manufactured with an external, manually operated safety are to be carried with the safety/selector in the "safe" position until the Team member makes the

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decision to fire the weapon. When the need for firing ends, the Team member will move the safety/selector back to the "safe" position.

All Team members shall practice and use a sighted method of fire, including laser sighted methods, or a close quarter battle ("CQB") method at close distance.

Firearms training and qualifications are necessary and complementing portions of the team's firearm training program. Training develops firearm skills such as fundamentals of marksmanship, shooting while moving, weapon manipulation, reloading, clearing stoppages, shooting while wearing a chemical agent mask, and more. The qualification process establishes and verifies that a Team member meets the Team's minimum standards of weapon proficiency.

14.2 Firearms training

Each Participating Agency conducts its own firearms training for its Team members. In addition, the NCRS Team occasionally trains together for live fire exercises. Full Team live fire training includes individual skill development (for consistency among Participating Agencies), and techniques that involve group operations, such as searching/clearing in shoot houses. Most live fire training is conducted on a photorealistic target.

Team tactical training days include exercises that are an important part of the Team's overall firearms training program. Regular Team tactical training includes reality-based scenarios using marking cartridges and live role players. These scenarios include low and no light situations and occur in and around realistic structures. Decision-making, dynamic assailants, integrated force options, shoot/no shoot situations and moving targets are all training elements of these tactical scenarios.

14.3 Firearms Proficiency / Qualifications

Proof of ongoing firearms proficiency through qualifications is required annually for all lethal weapons used on a SWAT Team assignment. NCRS Team Leader is responsible for conducting and documenting qualification processes in accordance with NCRS Team procedures and standards. Those procedures and standards include:

- Team members wear all their normal, personal SWAT Team gear during each qualification process.
- Carrying/slinging a carbine during pistol qualification is not required.
- Weapons with external, manual safeties are to remain in the "safe" position until the signal is given to engage the target. Team members return the safety/selector to the "safe" position when the need for shooting is over.
- NCRS Team qualification target, as designated and approved by Team commander, is used.

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- Minimum passing scores are required and will be designated based on the course of fire and the scoring rings on the target. Minimum scores change as courses/targets change but will be known in advance by the Team.
- If a Team member fails to qualify, the Team member cannot deploy or carry that weapon in a SWAT Team role until they get remedial training from the SWAT Team firearms cadre and subsequently qualify with a weapon at the SWAT Team level.
- A minimum of four (4) hours of remedial training is recommended. This allows the firearms instructor time to evaluate needs to determine the length of total remedial time required to ensure the Team member can be successful.
- A handgun is necessary regardless of the SWAT Team assignment. If the Team member fails to qualify with their handgun within two attempts, they are not deployable as a SWAT Team member until a subsequent qualification on a later date. The Team member will be limited to assignments that a patrol officer could perform, provided they are qualified at their home agency's patrol level with their weapon.

14.4 Negligent Discharge

Is important to remember that there is a difference between an "accidental discharge" and a "negligent discharge" as detailed below.

- Negligent discharge - a discharge of a firearm, whether intentional or not, that was primarily caused by the operator's failure to follow established safety protocols or legal justifications for deadly force (commonly referred to as user error).

- Accidental discharge - an unintentional discharge of a firearm that was not caused by any negligence or failure to follow established safety protocols (this type of discharge is usually equipment related).

A negligent discharge is an indication that a Team member's firearms proficiency may not meet the expected standards of the Team. A Team member who experiences a negligent discharge at any time (be it during an operation or training, to include planned dry fire training, either on duty or off duty), the circumstances will be reviewed by the Team's firearms training cadre. The training cadre will make a recommendation to the Team Commander; this recommendation may range from verbal counseling/training to removal from the Team. The Team Commanders will review the report and the recommendations and will forward the report and the recommendations to the Team member's home agency.

14.5 Police Snipers

NCRS Team Police Snipers participate in monthly rifle training as a Team with their assigned precision rifles. The NCRS_Sniper/Observer establishes the rifle qualification standard with the approval of the Team Commander. In addition to the above

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requirements for handguns and carbines, Police Snipers must demonstrate ongoing proficiency (qualify) with their precision rifle twice a year.

The Sniper/Observer Team generates and forwards training and qualification documents to the NCRS Team Commander for record-keeping.

In addition to the above training records maintained by the team, each Police Sniper is responsible for maintaining a logbook for their assigned precision rifle. This logbook should be updated after each training session and be available for inspection by the Team Commander, Team Leader, and/or Sniper/Observer Lead as necessary.

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SECTION 15

15.0 Physical Fitness Standards

In order to meet the extraordinary requirements of the Team's mission, NCRS Team members must be able to maintain a high level of physical fitness. NCRS Team members wear personal protective equipment that noticeably exceeds the size and weight of patrol officers' gear. SWAT Team members' working environment requires a high level of strength, agility, and endurance. Therefore, this policy establishes physical fitness standards for members of the NCRS Team.

15.1 Concept

Each Team member is responsible for maintaining a level of physical fitness that ensures they are capable of completing the Team mission. The Team's leadership will constantly evaluate the Team's level of fitness, adjusting the Team fitness goals as needed. Conceptually, the Team strives for constant focusing on functional fitness and injury prevention. Established fitness goals must be reasonable and achievable benchmarks Team members can use to gauge their level of fitness. The development of goals shall be done at least semiannually by the Team's leadership and approved by the Team Commander.

Team members who fall short of the target goal shall be coached by a designated member of the Team on methods to improve their fitness levels and functional performance. The goal of this program is to observe constant improvement in Team member fitness performance, not to serve as a deselection tool for members. The Team fully recognizes the selection and deselection of members fall within the purview of the respective Participating Agency.

The scope of Chapter 12 applies to current Team members; however, nothing in this Chapter limits the ability of individual Participating Agencies in developing a fitness standard as part of their selection process, prior to the applicant's appointment to the Team. Once applicant is appointed to the NCRS Team, this Chapter is the governing policy for Team fitness.

15.2 Injury and illness

When a Team member is out of service due to an illness or injury, that Team member will have the same amount of time that they were out of service to complete the NCRS Team physical fitness test, up to and not to exceed ninety (90) days from the time they return to full duty with their home agency.

15.3 Failure to Meet Standards

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Team members who fail to meet the Team's physical fitness standards are not deployable in a SWAT Team role and remain so until they successfully complete the entire physical fitness test. Team members will have thirty (30) days from the date of failure to successfully pass the entire physical fitness test. Team members who fail subsequent tests may be subject to removal from the team. In such case, the totality of circumstances will be reviewed by the NCRS Team Commanders.

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16.0 Training

Due to the limited time available for the NCRS Team training, the complicated nature of tactical operations, and the potential consequences of actions by an untrained officer, it is imperative that Team members attend monthly Team training. Each Participating Agency shall make every effort to schedule all assigned Team members to attend all NCRS Team training.

Each new Team member shall attend a SWAT Team Basic course as soon as possible after appointment to the Team. Newly assigned Team members shall be used only in a limited capacity until completion of SWAT Basic and other criteria.

Each Participating Agency shall ensure that their SWAT Team members have received documented user training for their assigned weapons.

The NCRS Team conducts training, verifies and documents proficiency for some chemical agents, diversion devices and other specialty equipment and munitions. Team members shall not use weapons, tools, or tactics for which they have not been trained and received certification.

The Team maintains a cadre of highly skilled and certified instructors in various disciplines within its ranks. Those instructors, as well as Team Leaders and Assistant Team Leaders, will be utilized as much as possible as the lead instructor for each monthly training session.

16.1 Lesson Plans

Team leadership will conduct an annual training analysis in order to best construct the annual training calendar. The annual training topics will be decided yearly and placed on the training calendar. Training topics will be divided into task requirements in regards to how often that topic must be trained within the Team (i.e., annually, semi-annually, or quarterly). Monthly training topics will be assigned to an instructor at least two months in advance of the training date.

The assigned instructor is required to compile a lesson plan for their day or topic and to submit that lesson plan to the Team Commander for approval 30 days in advance of the training date. The assigned instructor will complete and submit to the Training Coordinator a detailed after-action report on his/her segment of training no later than thirty (30) days after the conclusion of the training.

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16.2 Training Safety

The NCRS Team endeavors to provide training that is realistic and challenging, which inherently involves risk of injury. It is imperative that the NCRS Team takes active measures to ensure the safety of role players, Team members, and observers during training. The following guidelines will be strictly enforced. In addition, NCRS Team members who willfully violate these rules and/or are repeat offenders will be considered for removal from the Team.

In addition to strict compliance with training guidelines, each Team member has an affirmative duty to report any observed violations to the Team Leaders and Commanders immediately.

16.3 Safety Officer

Either the Training Coordinator, Training Provider, or a Team Leader will designate a minimum of one Safety Officer for the training site. The Safety Officer will be designated to this role throughout the day and may be excused from some training evolutions. This role may be filled by a Team Leader or Team Commander if the training is that which it is necessary to have a full-time Safety Officer. The responsibilities of the Safety Officer include, but are not limited to:

1. Ensure all weapon checks, equipment checks, and training location reviews are conducted and adequately prepared for the planned training.
2. Conduct a safety walk-through of the training site.
3. Determine an emergency plan for evacuation or injury treatment prior to the beginning of training. At a minimum this must include the designation of a transport vehicle and a staging location. The nearest medical facility must also be identified.

The Safety Officer, as well as any other Team members, must stop training at any time a violation of safety protocols, or other safety concerns, are observed or identified.

16.4 Marking Cartridges

Prior to using weapons for any training assignment, a designated Safety Officer who is familiar with all of the weapons present, will conduct or oversee the weapons check. The Safety Officer will be responsible for weapons checks for the entire training day. Weapons checks will be completed by a minimum of two (2) Team members, independently, with knowledge of the weapons. A weapons check will be conducted prior to the start of training and after any break in training such as lunch, classroom instruction, etc. Weapons checks will consist of checking each officer's primary and secondary weapons to ensure that the weapons are incapable of firing and/or loading a live round. This can be accomplished by:

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- "blue bolt" replacement that will chamber and propel only the designated marking cartridge, and/or
- any other obvious means which will prevent the gun from chambering or firing a live round, and
- members adhering to manufactures recommended safety protocolw

In addition to checking SWAT Team weapons, Team members will also be checked to ensure they have removed all live ammunition from their magazine pouches, tactical vest, pockets, etc. Any additional Team equipment that could cause injury (such as NFDD's) to Team members or role players must be approved for use by the training instructor prior to the start of the training. No firearms capable of firing live ammunition will be permitted inside the designated safety area.

16.5 Protection Against Marking Cartridges

The Team uses marking cartridges as part of training. All participants, whether actively involved or evaluating training, are required to wear adequate eye, ear canal, throat and groin protection. The fascial must be rated to stop a 68-caliber paintball traveling at 300 ft./s. A balaclava is not sufficient for ear protection due to the possibility of marking cartridges tearing through the cloth material. Military issue goggles are also insufficient because the lens is too thin to reliably stop the marking cartridges.

16.6 Role Players

In order to protect role players during training scenarios they will become compliant when touched by a Team member and Team members will respond accordingly. If scenario training includes the use of defensive tactics, the role player will be outfitted with appropriate protective gear (fist or red man suit). Defensive tactics training that does not involve reality-based training scenarios does not require special protective gear.

The Team member who is running reality-based training scenarios will brief role players along with Team members regarding the safety expectations. Role players will also be checked for any weapons by the designated Safety Officer prior to the start of training and after any breaks. The Team member in charge of the training scenarios shall load the magazines and weapons used by the role players. The role players shall not be responsible for loading or reloading their weapons under any circumstances. Expectations for role players include, but are not limited to:

- strict adherence to instructions of the Team member coordinating training, including no deviation from the confines of the script,
- becoming immediately compliant when touched by a SWAT Team member, and
- wearing appropriate safety gear at all times when scenarios are in progress and until the training officers give the "clear" or "done" signal for each scene.

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16.7 Live-Fire Training

When conducting Live-fire weapons training and while on operations, Team members will follow the four (4) universal safety rules:

1. All weapons are always loaded,
2. Never point a weapon at anything you are not willing to shoot or destroy,
3. Keep your finger off the trigger and outside the trigger guard until you are on target and ready to shoot, and
4. Be sure of your target, backstop, behind and beyond.

The NCRS Team will typically run "hot" ranges. This means that it is expected that all weapons are always loaded. Team members are responsible for keeping their weapons loaded. All loading and unloading will be done on the firing line.

Scenario-based Live-fire training will require additional safety guidelines. Scenario-based Live-fire training will only be conducted when necessary to achieve the training objectives of the course being instructed. Live-fire shoot houses and Live-fire vehicle assaults are the primary scenario-based Live-fire training conducted by the NCRS team. All scenario-based Live-fire training will conform to the following guidelines:

1. Live-fire scenarios will be verbally trained and briefed prior to the beginning of the scenario,
2. All Live-fire scenarios will start with "dry runs" involving no weapons to ensure that the concepts/techniques are understood and that the safety practices are being adhered to,
3. Live-fire scenarios involving vehicles will be conducted from one side of the vehicle at a time, and
4. Frangible ammunition will be used for Scenario-based Live-fire exercises involving vehicles.

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17.0 Training and Deployment Records

The NCRS Team must maintain or have access to records pertaining to training, callouts, qualifications, certifications, and physical fitness.

The NCRS Team Commanders and Team Leaders must have access to records to successfully planned missions and training and to evaluate Team member performance. This can only be accomplished if the information needed is stored in a central location rather than dispersed amongst Participating Agencies.

17.1 Training

The Team Leader, Assistant Team Leader, or instructor who conducts the training is responsible for preparing the lesson plan, daily training schedule and after-action report for the training given, which includes a roster that lists names of the Team members who participated. The Team Leader forwards those documents to the NCRS Team Commander maintaining the records.

NCRS shall maintain copies of training records pertaining to their assigned SWAT Team member. Each Participating Agency is responsible to maintain records of training and maintenance for all Team equipment authorized for use by their SWAT Team members (i.e., firearms, chemical agents, NFDD's, etc.).

The SWAT Team Commander shall ensure that Team members use only specialized SWAT Team equipment for which there is documented training.

17.2 Team Activity

At the conclusion of each mission the primary Team Leader for that mission shall complete an "after-action report" forwarded to the NCRS Team Commander. All Team members who participated in a SWAT role on the mission will also complete a Team member's report. These reports, along with other documents generated by the NCRS Team during or for the incident, will be forwarded to the Team Commander maintaining records. Copies of these reports shall also be forwarded to the requesting agency representative for inclusion as necessary and filing of criminal charges.

17.3 Maintain Records

Under the direction of the NCRS Team Commander, the Assistant Team Commander in charge of records will maintain a file system that organizes and stores the SWAT Team documents, including monthly probationary Team member evaluations.

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Records will be retained in accordance with State retention polices.

The Assistant Team Commander also maintains the annual mission log that documents the date, type, location, and short summary of all missions.

17.4 Commander's Report

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The NCRS Team Commander shall report annually to the Executive Board. That report shall include a summary of Team expenditures, Team training and callout/operations. The Team Commander shall provide a written copy of that report (or meeting minutes) to all Executive Board members.

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18.0 Sniper/Observer Program

NRCS Team Commanders and Team Leaders have a need for real-time reporting of on-site observations and tactical situations. In some situations, in which lethal force criteria are met, the safest way to end the confrontation is by precision rifle fire from a distance. The Sniper/Observer Team is charged with these responsibilities.

18.1 Concept

As employed in police tactical Team situations, the role of the Sniper/Observer will be limited to the following functions:

1. The Sniper/Observer uses their specialized training, positioning, and enhancing equipment to observe and report real-time intelligence to teammates and on-scene command personnel. Since the Sniper/Observer play such an integral role in intelligence gathering and Team protection, they will be deployed as a part of tactical operations whenever practical.
2. The Sniper/Observer provides protective overwatch to the Team, other officers, civilians and/or hostages by bringing precision fire against designated targets, with the intent to immediately terminate the dangerous actions of the targeted suspect(s). In this action, federal and state law relating to the use of deadly force by police officers as well as NCRS Team policies will regulate the Sniper's/Observer's decision.

18.2 Training Requirements for Sniper/Observer

1. After selection to the position as a Sniper/Observer, the Team member will attend and graduate from at least one (1) formal police sniper school.
2. To meet the needs of their position, the Sniper/Observer must receive ongoing instruction and practice in the following skills and disciplines:
   a. Field craft skills – this includes stocking, movement, camouflage, range estimation; and hide selection, construction and management.
   b. Tactics – this includes communications, site diagramming, and operation planning.
   c. Marksmanship – along with a regular, standardized qualification course, marksmanship training includes practice and cold shot accuracy, multiple shots, moving targets, partially obscured targets, intermediate barriers, up and down hill shooting, various distances and shooting positions, load light and no light shooting, and decision-making.
3. Training will be conducted monthly.

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4. Before the end of each year, the Sniper/Observer Team Leader will draft a 12-month training plan for the following year.

All training planned and done by the Sniper/Observer Team will be documented in writing by the Sniper/Observer Team Leader, who will forward copies to the Team Leader and Team Commander maintaining records.

18.2 Selection Criteria and Process for the Sniper/Observer

Sniper /Observer candidates will be selected from the roster of current NCRS Team members. Candidates must be in good standing with the team. Generally, the sniper candidate will be off Team probation, and should volunteer for the position. Selected candidates will join the Sniper/Observer Team on a tryout status. Regular/Deployable status as a Police Sniper will be achieved after the candidate has:

1. Graduated from a formal police sniper basic course
2. Passed the NCRS Team Sniper/Observer qualification course
3. Participated in at least three NCRS Team trainings and three additional Sniper/Observer Team trainings.

Officer must receive final recommendation by the Sniper/Observer Team Lead and be approved by the Team Commander.

18.3 Qualification and Performance Standards for the Sniper /Observer

To maintain deployable status as a sniper, each Sniper/Observer Team member will be required to meet the following standards:

1. Maintain deployable status as a member of the NCRS Team (carbine and pistol qualifications, physical fitness, etc.).
2. Pass the SWAT Team Sniper/Observer qualification course. This course will be designated to test the Police Sniper's skill as they apply to realistic job-related applications. This course will be administered at least twice a year.
3. Failure to pass the NCRS Team Sniper/Observer qualification course within two (2) consecutive attempts results in a non-deployable status in a Sniper/Observer role until the Police Sniper has remedial training and demonstrates proficiency/qualifies with their rifle.

18.4 Rifle Logbook:

Each Police Sniper assigned to the element will maintain a working rifle logbook, as demonstrated by best practices, and taught by the respective formal sniper school. This logbook will be kept with the assigned rifle and be presented as needed for inspection.

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SECTION 19

19.0 Rescue Vehicles

To provide criteria for the use of the NCRS Team's armored rescue vehicles and establish an operational guide for their appropriate use.

When confronted with situations involving subjects who may be armed with firearms, it is essential that the Team use the protective qualities of our armored rescue vehicles whenever possible. Appropriate response with these vehicles limits a suspect's ability to kill or harm Team members through direct fire.

19.1 Concept

The MaxxPro MRAP and the Caiman MRAP, and other armored vehicles comparable in capabilities, are considered heavy armored rescue and deployment vehicles. They are intended to provide mobile cover from most rifle and handgun rounds.

The Participating Agency that houses/stores an armored rescue vehicle shall be responsible for keeping the vehicle clean and fueled.

19.2 Planned Operations

The suspects' known and/or assumed weapons shall be a primary factor in the Team Leader's choice of armored vehicles.

19.3 Deployment

A fully marked police vehicle shall escort either/or both vehicles when traveling on public roadways to and from incidents, when time and resources permit.

Only trained drivers shall drive any armored rescue vehicle during operations. Untrained drivers may operate an armored rescue vehicle in training under the immediate supervision of a qualified SWAT Team driver.

19.4 Driver Qualification

- Driver training shall include orientation of the vehicle and a driving course.
- Orientation shall include safety aspects and hazards of the vehicle, operation, and maintenance.
- Driving training shall include backing, turning, accelerating, and braking.
- All training shall be observed and documented by a Team Leader.

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- Team members shall qualify on the armored rescue vehicles annually.
- All driver trainee training/qualification documents shall be forwarded to the NCRS Team Commander maintaining records.

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20.0 Knock, notice and announcements

Inasmuch as police officers are required to comply with knocking, notice, and announcements rules established by local, state and federal laws, the NCRS Team shall comply with those rules.

20.1 Concept

When the NCRS Team prepares to serve a search warrant or an arrest warrant that would lead Team members into a private place/structure (such as a person's residence or place of business), as part of the plan, the Entry Team Leader will designate a Team member to knock on the structure and give verbal notice to the occupants. Prior to entering the structure, the designated Team member will knock on the structure and give verbal notice to the occupants. Such notice will be in a loud, clear voice, and shall include these elements:

1. The Team's identity as police officers,
2. The Team has a search warrant (or arrest warrant), and
3. The Team is demanding entry or other clear instructions to the occupants.
4. After making these announcements and having been denied admittance, the Team will wait a reasonable amount of time before entering the structure.

Team Leaders shall designate a Team member or negotiator to broadcast the same information over the public address system of one of the rescue vehicles as the Team is making the first "knock and announce."

An example of the above verbal requirements would be, "Residents of 123 Main St., this is the police. We have a search warrant for your residence, come to the door now."

20.1 Surrounded Callout Exception

An exception to the knock and announce requirement is when the SWAT Team surrounds the structure and calls inside, giving verbal notice of the warrant, followed by verbal commands to the occupants to exit the structure. This is commonly called a "surrounded callout." Prior to Team Members entering the structure to clear it, the Team will verbally:

1. announce the address of intent,
2. announce the Team's identity as police officers,
3. announce that the Team has a search warrant (or arrest warrant), and
4. give instructions to the occupants as the circumstances dictate.

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(a) Have a warrant. (b) Announce their identity. This is especially critical when officers are in plain clothes. (c) Demand Admittance. (d) State the purpose of their demand. (e) Be explicitly or implicitly denied admittance.

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The above announcements will be broadcast over the public address system of the rescue vehicle by the assigned Team member or negotiator. In addition, members of the Negotiator Team may attempt to communicate (i.e. telephone) inside with the same information to the occupants.

20.2 Compromise Exception

An exception to the waiting requirement of knock and announce is when the Team is compromised prior to knocking on the structure. A compromise means:

- a Team member's attire bears markings that visually identify the Team as police officers,
- a person on the targeted property sees the Team approaching prior to knocking on the structure and shows noncompliance by their actions (i.e., attempted to flee or warn others of imminent police activity),or
- it is clear that knocking to give notice of police presence would be futile.

20.3 Announcements Upon Entry

Even when compromised, prior to making entry into the structure a designated Team Member will verbally:

- identify the Team as police officers,
- announce that the Team has a search warrant (or arrest warrant), and
- give commands or instructions to occupants as dictated by the situation.

In such circumstances, the involved Team members will document these exceptions on their after-action reports.

20.4 Emergency Exception

Under circumstances in which the SWAT Team is entering a structure to rescue a hostage, Team silence or deception can enhance the probability of a successful resolution. In such situations the requirements to knock and give notice may be waived when legal exigent circumstance exist in accordance with current local, state, and/or federal laws/rules. In such circumstances, the involved Team members will document these exceptions on their after-action reports.

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21.0 Public Records

Records of NCRS Team operations and training are held by the Team Commander or one of the Assistant Team Commanders. These records may include training records, a risk analysis form, an operational plan, after-action reports, each individual Team member's post operation report, mission notes, photographs of property damage, a running summary of SWAT Team callouts in the form of an annual after-action report, and other documents.

21.1 Protocol

When a Participating Agency receives a request for records that may be held by the NCRS Team, the Participating Agency shall refer the request to the Team Commander or Assistant Team Commander in charge of record-keeping. The Team Commander or Assistant Team Commander will then work with the Team Leaders to gather all responsive records. The Participating Agency receiving the request should work with its public disclosure staff to describe the request with sufficient specificity to allow the NCRS Team Commander (or Assistant Team Commander) to identify and provide the records being sought. If any clarification of the request is required, the Participating Agency receiving the request will obtain that clarification from the requester. All communication with the requester will be by the Participating Agency to which the request was submitted.

In consultation with the NCRS Team Commander (or Assistant Team Commander), it will be the responsibility of the agency to which the request for records was made is to estimate the time it will need to produce responsive records, determine which records are responsive to the request, and address any redactions permitted by law. The Participating Agency receiving the request should generally consult with the Participating Agency on whose behalf any SWAT Team callout was conducted to determine whether any exemption from public disclosure related to an ongoing investigation applies. The Participating Agency that receives the request shall bear the responsibility of complying with the Public Records Act in relation to its public records.

Nothing in this policy is intended to require a Participating Agency to collect or produce records that are not prepared, owned, used, or retained by that Participating Agency.

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Washington State Law Enforcement Records Retention Schedule.pdf

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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	*Signature on File*	*Signature on File*
For the State Auditor: Cindy Evans	**For the Attorney General: Matt Kernutt**	**The State Archivist: Steve Excell**

Skagit County SAR Policy revised 20160107.pdf

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SKAGIT COUNTY SHERIFF'S OFFICE
SEARCH AND RESCUE
POLICY AND PROCEDURES

PURPOSE AND SCOPE

The presence of a highly trained, highly skilled Search and Rescue (SAR) unit has been shown to substantially reduce the loss of life to citizens when used in conjunction with emergency services to locate and rescue citizens in distress.

It is the intent of the Skagit County Sheriff's Office to maintain such a unit as a resource. This policy is intended to establish structure, unit mandates and general operating procedures for Skagit County Search and Rescue missions.

The primary responsibility of Search and Rescue will be to locate or rescue persons in situations outside the realm of the ordinary patrol response. This will be accomplished through the use of developed skills, specialized equipment that is beyond patrol deputy's capabilities.

Search and Rescue may also provide a wide range of services, in furtherance of departmental goals and objectives.

DEFINITIONS

RESCUE: Any incident where a deputy believes someone is in immediate or imminent danger and assistance is needed to remove them from the situation. The incident may occur on land or in water, and the person in danger is unable to remove themselves from the situation without assistance.

SEARCH: Any situation where a person is overdue, absent or unaccounted for. A reasonable amount of time has passed at a location they were expected to be and it is believed that such absence places them in hazardous circumstances due to age, mental or physical condition, weather conditions, terrain or other factors.

PHILOSOPHY

1. Recognizing that, by their nature, Search and Rescue operations may be hazardous situations, the successful management and resolution of an incident often involves the need for decisions that may affect the safety of persons involved.

2. Due to this, all Search and Rescue decisions will be made based on the necessity to balance the safety of the victim and the SAR volunteers. Volunteer SAR personnel will not be used in any situation they are not trained to resolve or placed in unreasonable danger. The Incident Commander or their designee will conduct a risk assessment (GAR score, etc.) prior to any volunteers being deployed into the field.

3. Volunteers will not be allowed to engage in search activities in which the incident involves the possibility the missing person may be armed, e.g. suicidal/missing persons.

ROLE RESPONSIBILITIES

CHIEF OF FIELD SERVICES: The Chief of Field Services or his/her designee will administer all SAR programs, coordinate the acquisition of resources and equipment, and oversee the disbursement of funds for SAR activities.

SEARCH AND RESCUE SERGEANT: The SAR Sergeant or his/her designee will supervise SAR deputies and volunteers, develop and direct all SAR programs, coordinate trainings and meetings with SAR groups, supervise the maintenance and custody of office owned SAR equipment.

SAR DEPUTY: The SAR Deputy or his/her designee will act as the Incident Commander (IC) SAR operations unless relieved by a supervisor.

A. SAR deputies will be responsible for all incident activities including the development and implementation of strategic decisions, safety of volunteers, compiling and collect all incident reports, for approving and releasing resources.

B. SAR Deputies will also assist in training Sheriff's Office and SAR personnel, and other duties as assigned by the Chief of Field Services or SAR Sergeant.

C. SAR Deputies will be trained in SAR Management and be able to operate all necessary SAR equipment as determined by the SAR Sergeant.

VOLUNTEER SAR PERSONNEL: SAR personnel may be assigned to any of the following positions by the SAR Deputy or his/her designee. Personnel must be qualified and approved by the SAR Sergeant to act in any of the following capacities. Due to the nature of the incident, it may be necessary to have one person fill multiple roles until additional personnel can arrive to fill needed positions.

TEAM MEMBER: (TM) Any member who is certified or has successfully completed all SAR required training for the SAR activity or function they are assigned.

ACTIVATION PROTOCOL

Washington State Laws (RCW 38.52.400) mandate that the Chief Law Enforcement Officer of each political sub division in the state bears ultimate responsibility for all SAR activities in his/her respective jurisdiction.

Any search and or rescue situation should be considered an emergency and will be handled accordingly.

REQUESTS FOR SAR ACTIVATION

1. All requests to activate any Skagit County SAR Unit(s) will be routed to the on duty shift supervisor or his/her designee who will determine response. The on duty supervisor or SAR deputy will notify the Chief of Field Services or on call administrator as soon as reasonable.

2. The shift supervisor will consult the office guidelines in determining which SAR Deputy will be assigned to the mission.

3. All activations of SAR resources will be in accordance with Washington State guidelines under WAC 118.04, RCW 38.52, and the Sheriff's Office policy.

4. All missions that require a response from a volunteer need to have a DEM mission number.

IMMEDIATE ACTIVATION RESPONSE

1. Incidents involving lost/missing children, elderly or handicapped person and those incidents where a person's life is in immediate danger, may require that SAR resources be activated immediately. The Sheriff's Office recognizes that during these incidents, a timely response is imperative.

2. If the situation requires, the shift supervisor has the authority to call out SAR personnel to insure a faster response.

SAR DEPUTY CALL-OUT GUIDELINES

All SAR deputies have equal responsibilities and the number of calls handled by each when possible should be equally assigned, excluding SARS initiated on shift.

SAR deputies are on call or subject to page out. Call outs will follow accepted Sheriff's Office procedures outlined in the Skagit County Sheriff's Office Policy Manual. It is the responsibility of the SAR deputies to communicate with each other and the SAR Coordinator if they are temporarily out of the area and cannot respond to a call.

REQUESTS FOR SAR RESOURCES

The cities of Anacortes, Burlington, Mount Vernon and Sedro Woolley and the volunteer fire departments of Skagit County provide public safety and emergency services to the citizens of their communities. Any request for search and rescue assistance made by emergency services within these cities will be immediately channeled to the Sheriff's Office shift supervisor who will determine proper response.

The person making the request will provide as much information about the incident as possible and the exact location for the response.

REQUEST FOR RESOURCES OUT OF COUNTY

1. Any request for SAR resources out of county will immediately be relayed to the Sheriff's Office shift supervisor, who will consult the on duty SAR deputy if available, who will then determine proper response.

2. The SAR deputy should contact State DEM or the requesting agency to determine the type of incident and the resources being requested before determining proper response. The following information should be obtained:

    a. Person in charge of mission
    b. Intended use of resources
    c. The expected length of time the resources will be needed.
    d. Background of event leading to mission
    e. Contact information
    f. Mission number

3. If no immediate response is necessary and there is not a SAR deputy on duty, the shift supervisor will hold the request until the next SAR deputy reports to duty. If the shift supervisor determines that an immediate response is needed they may contact necessary SAR resources or call in a SAR deputy.

4. The Team Leader of groups responding to out of county SAR requests will advise the Sheriff's Office on duty supervisor or SAR deputy of what personnel are responding and which resources will be utilized. The Team Leader will be provided the SCSO Case Number prior to leaving on the mission.

5. Upon returning the Team Leader will advise the Sheriff's Office on-duty supervisor via 911 that the operation is complete and personnel and resources are back in the county.

SAR DEPUTY RESPONSIBILITIES

1. The SAR Deputy, upon being notified of a possible mission, will immediately obtain details of the situation. The deputy or designee should contact the reporting party to obtain the specific details of the situation, establish a mechanism for follow-up contacts with the reporting party and obtain identification information concerning other persons who may have critical knowledge or be able to assist in executing the mission.

2. The SAR Deputy will respond with the volunteer SAR units in a marked patrol vehicle to the point designated as the Base of Operations, and shall remain there or in proximity throughout the mission, unless a need to leave is necessary and a competent replacement has been assigned.

3. When a mission is undertaken in compliance with Sheriff's Office policy and procedures, the Sheriff Office is responsible for the health and safety of SAR personnel. The SAR Deputy will weigh this liability against any strategy or tactic, to avoid unnecessary exposure of any participant to danger.

4. The SAR Deputy will update the Chief of Field Services or on call administrator at regular intervals as the mission progresses.

5. At the completion of the SAR mission, the SAR deputy will complete all reports and associated forms prior to securing unless other arrangements have been made with the Shift Supervisor or the SAR Sergeant.

6. Because of the nature of some rescues, a helicopter may be necessary in order to affect the mission. Due to safety concerns, SAR Deputies must have documented training in basic helicopter safety. Flights allowed without this training will be dealt with on a case by case basis by the supervisor in charge

INCIDENT COMMAND RESPONSIBILITIES

INCIDENT COMMANDER (IC) or the **UNIFIED COMMANDER (UC)** is responsible for all aspects of the response, including developing incident objectives and managing all incident operations.

1. The IC is faced with many responsibilities when he/she arrives on scene. Unless specifically assigned to another member of the Command Staff, however the Command responsibilities remain with the IC.
    a. Some of the more complex responsibilities include:
        i. Establish immediate priorities especially the safety of responders, other emergency workers, bystanders, and people involved in the incident.
        ii. Stabilize the incident by ensuring life safety and managing resources efficiently and cost effectively.
        iii. Determine incident objectives and strategy to achieve the objectives.
        iv. Establish and monitor incident organization.
        v. Approve the implementation of the written or oral Incident Action Plan.
        vi. Ensure adequate health and safety measures are in place.

INCIDENT SAFETY OFFICER (ISO) function is to develop and recommend measures for assuring personnel safety, and to monitor and/or anticipate hazardous and unsafe situations. Only one ISO will be assigned for each incident. The Incident Safety Officer works as a support officer for the Incident Commander. The ISO may have assistants, as necessary, and the assistants may also represent assisting agencies or jurisdictions. Safety assistants may have specific responsibilities, such as air operations, hazardous materials, etc.

1. The Safety Officer may perform the following functions:
    a. <u>Common Responsibilities</u>
    b. Prepare a site-specific Safety and Health Plan and publish <u>Site Safety Plan summary</u> (ICS Form 208) as required.

c. Identify and cause correction of occupational safety and health hazards.
d. Continuously monitor personnel for exposure to safety or health hazardous conditions.
e. Alter, suspend, evacuate or terminate activities that may pose immanent safety or health danger to the personnel.
f. Take appropriate action to mitigate or eliminate unsafe condition, operation, or hazard.
g. Provide training and safety and health information.
h. Perform assessment of engineering controls and PPE.
i. Comply with OSHA Standards.
j. Document both safe and unsafe acts, corrective actions taken on the scene, accidents or injuries, and ways to improve safety on future incidents.
k. Participate in planning meetings.
l. Identify hazardous situations associated with the incident.
m. Review the Incident Action Plan (IAP) for safety implications.
n. Exercise emergency authority to stop and prevent unsafe acts.
o. Investigate accidents that have occurred within the incident area.
p. Assign assistants, as needed.
q. Review and approve the medical plan.
r. Maintain Unit/Activity Log (ICS Form 214).

2. The ISO will ensure that a risk assessment (GAR score) has been completed prior to any units being deployed into the field.
3. If at any time a risk assessment score (GAR) calls for SAR activities to stop, SAR personnel will immediately stop their activities and look for alternatives to reduce the risk assessment score to acceptable levels.
4. Any SAR personnel on the scene of a mission can and will call a stop to SAR activities if unsafe practices or conditions exist that are beyond the capabilities and/or training of SAR personnel.

PLANNING SECTION CHIEF (PSC) is responsible for the collection, evaluation, dissemination and use of information about the development of the incident and the status of resources.

1. Information is needed to:
   a. Understand the current situation
   b. Predict the probable course of incident events; and
   c. Prepare alternative strategies for the incident.

2. The major responsibilities of the Planning Section Chief are:
   a. Review Common Responsibilities.
   b. Collect and process situation information about the incident.
   c. Supervise preparation of the Incident Action Plan (IAP).
   d. Provide input to the Incident Commander (IC) and the Operations Section Chief (OPS) in preparing the IAP.
   e. Chair planning meetings and participate in other meetings as required.
   f. Reassign out-of-service personnel already onsite to Incident Command System (ICS) organizational positions as appropriate.

g. Establish information requirements and reporting schedules for Planning Section Units
(e.g., Resources, Situation Units).
h. Determine the need for any specialized resources in support of the incident.
i. If requested, assemble and disassemble Strike Teams and Task Forces not assigned to Operations.
j. Establish special information collection activities as necessary (e.g., weather, environmental,
toxic's, etc.).
k. Assemble information on alternative strategies.
l. Provide periodic predictions on incident potential.
m. Report any significant changes in incident status.
n. Compile and display incident status information.
o. Oversee preparation and implementation of the Incident Demobilization Plan.
p. Incorporate plans (e.g., Traffic, Medical, Communications, Site Safety) into the IAP.
q. Maintain Unit/Activity Log (ICS Form 214).

LOGISTICS SECTION CHIEF (LCS) is responsible for providing facilities, services, and material in support of the incident. The LSC participates in the development and implementation of the Incident Action Plan (IAP) and activates and supervises the Branches and Units.

1. The major responsibilities of the Logistics Section Chief are:
    a. Review Common Responsibilities.
    b. Plan the organization of the Logistics Section.
    c. Assign work locations and preliminary work tasks to Section personnel.
    d. Notify the Resources Unit of the Logistics Section units activated including names and locations of assigned personnel.
    e. Assemble and brief Branch Directors and Unit Leaders.
    f. Participate in preparation of the Incident Action Plan (IAP).
    g. Identify service and support requirements for planned and expected operations.
    h. Provide input to and review the Communications Plan, Medical Plan and Traffic Plan.
    i. Coordinate and process requests for additional resources.
    j. Review the IAP and estimate Section needs for the next operational period.
    k. Advise on current service and support capabilities.
    l. Prepare service and support elements of the IAP.
    m. Estimate future service and support requirements.
    n. Receive Incident Demobilization Plan from Planning Section.
    o. Recommend release of Unit resources in conformity with Incident Demobilization Plan.
    p. Ensure the general welfare and safety of Logistics Section personnel.
    q. Maintain Unit/Activity Log (ICS Form 214).

OPERATIONS SECTION CHIEF (OSC) is responsible for the management of all operations directly applicable to the primary mission. The OSC activates and supervises SAR elements in accordance with the Incident Action Plan (IAP) and directs its execution. The OSC also directs

the preparation of Unit operational plans, requests or releases resources, makes expedient changes to the IAP, as necessary; and reports such to the Incident Command (IC).

1. The major responsibilities of the Operations Section Chief are:
    a. Review Common Responsibilities
    b. Develop operations portion of IAP.
    c. Brief and assign Operations Section personnel in accordance with the IAP.
    d. Supervise Operations Section.
    e. Determine need and request additional resources.
    f. Review suggested list of resources to be released and initiate recommendation for release of resources.
    g. Assemble and disassemble teams assigned to the Operations Section.
    h. Report information about special activities, events, and occurrences to the IC.
    i. Maintain Unit/Activity Log (ICS Form 214).

DIVISION/GROUP SUPERVISOR (GS): reports to the Operations Section Chief (OPS) (or Branch Director when activated). The Supervisor is responsible for the implementation of the assigned portion of the Incident Action Plan (IAP), assignment of resources within the Division/Group, and reporting on the progress of operations and status of resources within the Division/Group.

1. Responsibilities of the Division/Group Supervisor are:
    a. Review Common Responsibilities.
    b. Implement Incident Action Plan (IAP) for Division/Group.
    c. Provide the IAP to Strike Team Leaders, when available.
    d. Identify increments assigned to the Division/Group.
    e. Review Division/Group assignments and incident activities with subordinates and assign tasks.
    f. Ensure that the Incident Commander (IC) and/or Resources Unit is advised of all changes in the status of resources assigned to the Division/Group.
    g. Coordinate activities with adjacent Division/Group.
    h. Determine need for assistance on assigned tasks.
    i. Submit situation and resources status information to the Branch Director or the Operations Section Chief (OPS).
    j. Report hazardous situations, special occurrences, or significant events (e.g., accidents, sickness, discovery of unanticipated sensitive resources) to the immediate supervisor.
    k. Ensure that assigned personnel and equipment get to and from assignments in a timely and orderly manner.
    l. Resolve logistics problems within the Division/Group.
    m. Participate in the development of Branch plans for the next operational period.
    n. Maintain Unit/Activity Log (ICS Form 214).

SINGLE RESOURCE TEAM LEADER (TL) is responsible for directing a single field team to perform a task or mission.

1. The major responsibilities of the Single Resource Team Leader are:
    a. Review Common Responsibilities
    b. Review assignments.
    c. Obtain necessary equipment and supplies.
    d. Review weather/environmental conditions for assignment area.
    e. Brief subordinates on safety measures.
    f. Monitor work progress.
    g. Ensure adequate communications with supervisor and subordinates.
    h. Keep supervisor informed of progress and any changes.
    i. Inform supervisor of problems with assigned resources.
    j. Brief relief personnel, and advise them of any change in conditions.
    k. Return equipment and supplies to appropriate unit.
    l. Complete and turn in all time and use records on personnel and equipment.
    m. Maintain Unit/Activity Log (ICS Form 214).

SAR MEMBERS

RESPONSIBILITIES

The following are the common responsibilities applicable to all SAR personnel during an active mission:

1. Receive assignment including:
    a. Job assignment (e.g., Strike Team designation, position, etc.).
    b. Reporting location.
    c. Reporting time.
    d. Travel instructions.
    e. Any special communications instructions (e.g., travel, radio frequency).
2. Upon arrival at the incident, check-in at the designated check-in location. Check-in may be found at any of the following locations:
    a. Incident Command Post (ICP)
    b. Base or Camps
    c. Staging Areas
    d. If you are instructed to report directly to a line assignment, check-in with the Division/Group Supervisor.
3. Receive briefing from immediate supervisor.
4. Acquire work materials.
5. Supervisors shall maintain accountability for their assigned personnel with regard as to exact location(s) and personal safety and welfare at all times, especially when working in or around incident operations.
6. Organize and brief subordinates.
7. Know your assigned radio frequency(s) for your area of responsibility and ensure that communication equipment is operating properly.
8. Use clear text and ICS terminology (no codes) in all radio communications. All radio communications to the Incident Communications Post will be addressed: "(Incident Name) Communications" (e.g., "Blanchard Mountain Communications").

9. Complete forms and reports required of the assigned position and send through the supervisor to the appropriate chain.
10. Respond to demobilization orders and brief subordinates regarding demobilization.

STANDARDS FOR SAR TEAM MEMBERS

1. In order to maintain basic standards for recruiting, training, and use of SAR personnel in county, the following criteria will be observed:

    a. Admittance into SAR will be at the discretion of the Sheriff or his/her designee.

    b. All personnel involved in SAR programs shall be registered with the DEM in accordance with the provisions of RCW 38.52 and meet the obligations of WAC 118-04-120.

    c. SAR personnel will be at least fourteen (14) years of age.

    d. All SAR members will submit to a criminal background check.

    e. All SAR personnel will hold a valid Basic First Aid Card (or better) indicating the successful completion of a recognized course having a class time of a minimum of eight (8) hours.

2. There are three classes of minimum standards ranging from A to C which are recognized in the Skagit County Sheriff's Office:

    a. **CLASS A:** This certification will enable a person to provide support services.
        i. First Aid,
        ii. Knowledge and use of radios and procedures,
        iii. Orientation to base camp,
        iv. Knowledge of available equipment,
        v. Orientation to map and compass,
        vi. Certification – fifteen (15) hours per year can be achieved by SAR meeting, trainings, and missions.

    b. **CLASS B:** This class will enable a person to go out in the field and assist in evacuations when needed. Anyone going out on a search in the field must meet the Class B requirement.
        i. Class A certification and in addition:
        ii. Evidence detection (clue),
        iii. Eight (8) hours of field map and compass,
        iv. Crime scene preservation training
        v. Certification is twenty (20) hours per year.

    c. **CLASS C:** This certification will enable a person to go into the field on an actual search and assist in searches, rescues and evacuations.
        i. Class B certification and in addition:

ii. An additional four (4) hours of map and compass in the field.
iii. One overnighter with equipment you carry,
iv. Certification is twenty-five (25) hours per year.
v. Enough gear for twenty-four (24) hours.

INDIVIDUAL RESPONSIBILITIES

1. It is clearly the responsibility of each individual SAR member to decide for themselves whether or not they are prepared and able to participate in a SAR operation.

2. Every SAR member should fully understand what is expected of them and should perform their assigned tasks within the guidelines of their training and the policy and procedures of the Sheriff's Office.

3. No member will perform a task or assignment that they are not trained to perform. It is the individual's responsibility to advise the SAR deputy if they are not trained for or able to perform an assigned task.

4. SAR personnel will be in accordance with WAC 118-04-200.

VOLUNTEER MISCONDUCT

1. Any SAR member found to be involved in questionable or criminal activity, misconduct or failing to carry out their assigned duties may be disciplined or terminated from SAR.

2. Upon termination the volunteer's Department of Emergency Management, Sheriff's Office identification and all property belonging to the Sheriff's Office, Department of Emergency Management or SAR will be promptly returned.

3. Investigations of alleged misconduct will be conducted by the Chief of Field Services or his/her designee.

4. Discipline will be decided by the Chief of Field Services or his designee.

POSSESSION OF DANGEROUS WEAPONS, ALCOHOL OR CONTROLLED SUBSTANCES

1. No SAR volunteer may possess firearms or dangerous weapons while working under the authority of the Skagit County Sheriff's Office, unless necessary to carry out their assigned duties and authorized by the Sheriff's Office.

2. No controlled substances or alcohol is to be consumed or possessed while conducting a mission or representing the Sheriff's Office at SAR activities.

3. Prescription medication that could affect a volunteer's ability to carry out an assigned task will not be consumed or possessed during a mission.

SAFETY

1. The safety of all participants in a search mission should be the primary consideration.

2. No mission will be mounted, or continued, under conditions that exceed the skills, abilities and limitations of the SAR organization.

3. Although it is recognized that SAR can be a dangerous undertaking, the endangerment of SAR personnel through their own recklessness, or the carelessness or hazardous conduct of others is against policy.

COMPENSATION FOR INJURY OR DEATH

Compensation shall be furnished to an emergency services worker for any injury arising out of and occurring in the course of his qualified SAR activities, and the death of any such worker as defined in RCW 38.52.

EQUIPMENT REQUIREMENTS FOR SAR PERSONNEL

1. SAR team members are responsible for acquiring their own personal equipment that will be consistent with their individual assignment.

2. County owned SAR equipment shall be used and maintained per county policy.

COMMUNICATIONS

1. Skagit County SAR communications consist chiefly of mobiles and portables on a frequency of 155.160 and 155.310.

2. Call signs are permanently assigned to certified Skagit County SAR personnel and radios. Additional call signs and team call signs may be assigned in the field as required.

3. All communications by Skagit County SAR Personnel, regardless of the network being used, will conform to the regulations of the Federal Communications Commission regarding the permissible transmissions. The use of offensive, obscene or suggestive language, personal communications not related to the conduct of a SAR mission, and other abuse of the privilege of the licensee will not be permitted.

RESTRICTIONS AND CLOSURE OF SAR AREA

1. Under the provisions of RCW 38.52 the Sheriff may "restrict access to a specific SAR area to personnel authorized by him." It is contrary to the laws of the State of

Washington for any person to interfere with a SAR mission.

2. All persons engaged in SAR operations in Skagit County as defined herein, shall constitute emergency services workers as provided for under the RCW 38.52.
    a. Persons not registered in accordance with RCW 38.52 will not be admitted to the search area and will not be involved in the management, support, or any other activities surrounding the execution of the SAR operation.
    b. Procedures will be established at the Base of Operations to insure that all persons are properly registered and that their activities are directed in concert with the Sheriff's Office policies and procedures for SAR.

VEHICLE OPERATION

1. SAR personnel will operate privately owned vehicles and SAR vehicles in accordance with state law and with due care and caution while on missions or at SAR activities.
2. All volunteers operating a motor vehicle will possess a valid Washington State Driver's License. Volunteer drivers will submit to an annual drivers check to confirm their driving status.
3. Volunteer drivers will pass a driving course designated by the Sheriff's Office.
4. Special use vehicles are utilized by SAR as needed.
    a. All motorized vehicles other than automobiles are considered specialized vehicles.
    b. Authorized volunteers who operate special use vehicles should have completed the prescribed training course for such vehicle and receive annual training on the safe operation of the vehicle.
5. All operations of special vehicles shall be consistent with applicable laws, policies and training.

COMMITMENT OF FUNDS FOR SEARCH & RESCUE OPERATIONS

1. The management of fiscal matters relating to SAR activities shall be the responsibility of the Chief of Field Services.
    a. The commitment of funds required to mount a SAR mission shall be in accordance with County policy.
    b. A voucher system will be instituted in order to manage expenditures such as fuel, purchased or rental equipment, food, supplies, etc. All original receipts must be turned in with a voucher for reimbursement from the Sheriff's Office.
2. No person, other than those specifically designated by the Chief of Field Services or designee shall be authorized to purchase, rent or otherwise obligate the Sheriff's Office or Skagit County with relation to SAR.

RECORD KEEPING

1. Record keeping shall be in compliance with RCW 83.52.

2. An accurate account of all mission history shall be maintained.

NEWS MEDIA RELATIONS AND PUBLIC INFORMATION

1. All contacts with the news media shall be carried out in accordance with Sheriff's Office policy.

2. SAR personnel will not release any information without the approval of the Sheriff's Office.

SUSPENSION OR TERMINATION OF A SEARCH MISSION

1. Search activities should be terminated when the chances of injury to searchers exceed the reasonable limits of survivability of the lost subject(s).

2. A reasonable attempt to use all resources, techniques, and manpower should be applied to the fullest extent to locate or recover the subject.

3. Active SAR missions will be discussed with the Chief of Field Services or designee before the mission is terminated.

FATALITIES

1. Search and Rescue personnel shall not release any information regarding fatality accidents to anyone outside the Sheriff's Office.

2. At such time as a fatality is believed to have occurred, all further activity surrounding the removal and transportation of the remains is the responsibility of the County Coroner or the designated deputy.

3. Rescuers have the responsibility of preserving the scene of a fatality and any associated evidence so that the circumstances or the death can be determined.

4. All personnel directly involved with a SAR that results in a fatality will complete a report as directed by the SAR deputy. The report will be forwarded to the SAR Deputy assigned to the mission.

5. SAR personnel have the responsibility to preserve the subject's personal property. Personal property should be left with the victim unless advised by the investigating deputy to collect the property. The property will then be collected, inventoried and logged in the presence of two witnesses.

6. The property will be turned over to the investigating deputy to be released to the coroner when appropriate.

7. Where the subject is not the object of an active search, SAR personnel can only be used to recover remains under the provisions of a special agreement.

8. The coroner may request assistance in the removal of human remains.

MISSING, OVERDUE OR PRESUMED DOWN AIRCRAFT

The Sheriff's Office will make a reasonable effort to assist those federal and state agencies tasked with searching for and recovering missing or downed aircraft.

OrganizationChart-659.jpg

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