



## King County

### Office of Law Enforcement Oversight

December 1, 2020

TO: Sheriff Mitzi Johanknecht, King County Sheriff's Office (KCSO)

FR: Adrienne Wat, Interim Director, Office of Law Enforcement Oversight (OLEO)

RE: General Operations, General Orders Manual 4.00.000

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OLEO has reviewed KCSO's proposed revisions to General Orders Manual (GOM) 4.00.000 on Uniforms and Identification, attached starting at page 3. OLEO received KCSO's suggested edits to the policy in September 2020, as a response to the recommendations provided by the KCSO Administrative Review Team, as well as the OLEO Dunlap-Gittens Systemic Review. OLEO has identified several previous recommendations that were not implemented or fully considered when revising this chapter and have highlighted them below. These suggested revisions were made to bring policy in line with recommendations from the Dunlap-Gittens Systemic Review, some of which have been reiterated in the subsequent Le Systemic Review.

Additionally, one of the valuable functions OLEO serves in supporting KCSO in improving practices, policies, and protocols, is to assist KCSO in identifying areas of priority for policy revisions, as well as identifying areas of shared interest in order to best use the limited resources available for analyzing and revising KCSO policy internally. OLEO hopes to work with KCSO in order to proactively identify areas of shared interest and opportunity for improvement going forward. In this spirit, because KCSO was already revising portions of GOM Chapter 4, OLEO used this as an opportunity to review the parent chapter of this policy and provide additional key areas for revisions by KCSO.

#### **4.00.010**

- Revise 4.00.010(1)(b): additional bullet point: *Commissioned officers should always carry an authorized badge and identification card.* Thus, ensuring the deletion of this requirement in the KCSO revision for plain clothes officers, does not unintentionally remove this uniform requirement from being explicitly stated within the policy.
- Revise 4.00.010(1)(c): insert *AND unforeseen* after *For unplanned* to further define planned and unplanned events. The purpose of this recommendation is to distinguish between events where there is knowledge that an event may occur or has the potential to occur even if it is unplanned, as opposed to when responding to an *unforeseen and*

*unplanned* emergency event, where there was no prior knowledge that this event may occur. Strike (*i.e. responding to an emergency incident*) and insert in parentheses: (An *unplanned and unforeseen event shall be defined as an emergency event where no knowledge that the event had the potential to occur was present prior to the event*). In light of the event that occurred in ART2020-005, the officer-involved shooting in Cumberland, OLEO is suggesting editing the policy to ensure future events where there is prior knowledge of the suspect and potential apprehension, that this event would be considered planned and/or foreseen.

- Revise 4.00.010(1)(c): change *should* to *shall* to ensure the policy is explicitly clear about the requirement to be immediately identifiable as commissioned police officers.
- Revise 4.00.010(1)(d): delete *every effort should be made to keep those members from participating in any arrest or other operations until they can don the required clothing*. And replace with *If an arrest is made, uniformed personnel must conduct that arrest*. This ensures that the arrest team is clearly and immediately identifiable and a separate team from any undercover or plain clothes officers during an investigation or planned event.

#### **4.00.070**

- Revise 4.00.070 to read: *Supervisors should provide opportunity and solicit from department members suggestions that may improve the department's welfare or efficiency, or suggestions that may be of interest the department or any other Department of King County*. This recommendation came out of both the OLEO Dunlap-Gittens and Le Systemic Reviews, ensuring there are prescribed systems in place for department members to provide suggestions and feedback internally within KCSO.

Below are further revisions identified by OLEO within 4.00.000:

#### **4.00.130**

- Revise 4.00.130(1): add *and provide evidence* after *articulate* to minimize the threat of misinterpretation or abuse of the term “articulate,” and to ensure there is evidence provided when justifying the detention of an individual taking photographs or recording video.

## **4.00.000 GENERAL OPERATIONS**

4.00.005

### **OATH OF OFFICE:** 09/08

It is the policy of the King County Sheriff's Office that all sworn members take an oath of office before appointment as a law enforcement officer and shall abide by the Law Enforcement Code of Ethics.

4.00.010

### **IDENTIFICATION AS A COMMISSIONED DEPARTMENT SHERIFF'S OFFICE MEMBER:** ~~42/4409/20~~

1. When wearing the authorized uniform, the uniform itself is sufficient to identify its wearer as a King County Sheriff's deputy. ~~This does not remove the requirement for deputies to announce "Police" or "Sheriff" when issuing commands while attempting to detain or arrest an individual.~~
2. ~~When not wearing the authorized uniform and when taking police action, acceptable identification is the authorized badge and identification card.~~
  - a. ~~Commissioned department members are expected to wear their uniform when engaged in patrol activities. If special circumstances occur (i.e. while commuting to a training class), commissioned members should at a minimum don their external vest carrier, so they are immediately identifiable as a commissioned police officer before engaging in law enforcement activities.~~
  - b. ~~For planned events (i.e. warrant service or arrest operation) plain clothes commissioned personnel shall wear the following:~~
    - ~~External vest carrier (or ballistic vest under Bananola style shirt)~~
    - ~~Bananola style shirt~~
    - ~~Black BDU cargo pants~~
    - ~~Black shoes or boots issued by PMU~~
  - c. ~~For unplanned events (i.e. responding to an emergency incident), plain clothes commissioned personnel should at a minimum don their external vest carrier, so they are immediately identifiable as a commissioned police officer.~~
  - d. ~~Detectives working in a plain clothes capacity (i.e. hand-to-hand buy, assigned as the protective "eye" for the undercover detective, or warrant location surveillance) may be an exception to this policy. Each exception should be clearly identified in the written Incident Action Plan (IAP) and every effort should be made to keep those members from participating in any arrest or other operations until they can don the required clothing.~~
32. All members shall provide their names and serial numbers, upon ~~citizen~~ request, unless circumstances surrounding the request might tend to hinder, obstruct, or endanger the member(s) during the performance of his/her duties.
43. Except for investigative purposes, member should identify themselves as members of the Sheriff's Office when contacting individuals by phone.

4.00.015

### **FIREARMS AND IDENTIFICATION, CARRYING OF:** 03/11

1. Sworn members, when on-duty, shall be armed with an authorized firearm and carry official identification (badge and commission card with photograph) as a King County Sheriff's deputy.
  - a. Deputies who are operating a County vehicle, whether on or off-duty, shall also be

- equipped with appropriate police attire (i.e., uniform, Raid jacket).
- b. Refer to GOM 6.07.030 (Requirements to Carry Firearms) for additional information.
2. Deputy recruits are not sworn members and shall not carry a department issued firearm before graduating from the Academy, even if the recruit has a concealed weapons permit.
    - a. This applies on Academy grounds, unless approved by the class tactical officer.
    - b. During firearms training week, firearms shall be carried or used in approved training situations only.
    - c. Recruits may transport their **unloaded** firearms to and from the range in the vehicle trunk.
    - d. All off-range firearm practice (i.e., dry-firing, loading practice, drawing practice, etc.) shall only be done privately and unobserved in the recruit's residence.
  3. Sworn members are not expected to place their life in jeopardy to carry out police functions when they are either off-duty or unarmed. However, an off-duty or unarmed deputy at the scene of a police incident shall provide assistance consistent with the circumstances. This obligation should include, at a minimum:
    - a. Notifying the law enforcement agency having jurisdiction.
    - b. Identifying persons or vehicles.
    - c. Furnishing reports.
  4. Unless while on official business, sworn members may not take any firearm into the King County Courthouse, the Alder Tower at the Youth Services Facility, the court facilities areas of the Regional Justice Center, the courtroom at Harborview Hall and district courts.
    - When not in uniform sworn members must show their official department identification when entering any of the above facilities for official business.
  5. No sworn member may have in his or her possession any weapon if he or she is present at any building to which this order applies as party to an action under chapter 10.14 (Harassment), 10.99 (Domestic Violence), 26.50 (Domestic Violence), or any action under Title 26 where any party has alleged the existence of domestic violence as defined in RCW 26.50.010.

4.00.020

**DEPUTIES IN PLAINCLOTHES ATTIRE, RECOGNITION OF:** 06/92

Deputies in uniform, meeting another deputy/detective in plainclothes, shall not indicate that they recognized the plainclothes deputy, unless first spoken to by the plainclothes deputy.

4.00.025

**PLAINCLOTHES, DISPLAY OF OFFICIAL EQUIPMENT:** 06/92

Department members in plainclothes shall not display to the public or in public places outside the general work area, any article of equipment that identifies themselves as a law enforcement officer, except in the performance of their official duty.

4.00.030

**SPECIAL PRIVILEGE CREDENTIALS:** 01/11

Unless approved by the Undersheriff, department members shall not issue any device, credentials, or identification to persons other than department members that presume to grant a special privilege or consideration relating to department business.

4.00.035

**SENIORITY:** 06/92

When a seniority issue arises between members of equal rank regarding who is in command, the issue shall be determined by:

1. One (1) member being designated as in command either by oral or written order of a superior ranking member;
2. Date of rank.
  - When two (2) or more members have the same date of rank, the date of hire with the department shall be the deciding factor.

4.00.040

**CONFLICTING/UNLAWFUL ORDERS:** 04/09

1. Should any conflict arise with any previous order or with an order from another superior, the member shall promptly and respectfully call attention to such conflict.
  - If the superior does not change his/her order, it shall be immediately obeyed without further question.
2. The superior officer giving the conflicting order shall:
  - a. Take the necessary action to correct the conflicting orders.
  - b. Assume full responsibility for the subordinate's action in obedience to the order.
3. Members are not obligated to obey orders that are unlawful, unethical or represent unjustified, substantial and/or reckless disregard for life and/or officer safety.
4. When a member receives such an order he/she shall state the basis for objecting to the order to the superior.
  - If the situation remains unresolved, the member shall contact the superior of next higher rank in his/her chain of command.

4.00.045

**OFF DUTY INVOLVEMENT:** 06/92

1. Off-duty members should use discretion when becoming involved in any law enforcement action.
  - Refer to GOM 9.03.035 (Off-Duty Vehicle Operations Requirements), if applicable.

2. Off-duty members shall not become involved, particularly in their own neighborhoods, unless the situation could possibly result in:
  - a. Someone being injured; or
  - b. A loss of or damage to property.
3. In all other situations, members should call the appropriate law enforcement agency having jurisdiction, if required.

4.00.050

**ADDRESSING DEPARTMENT MEMBERS: 06/92**

1. Department members shall always show respect to fellow members.
2. When addressing a superior, members shall observe a respectful attitude, using the superior's proper title, particularly in public.

4.00.055

**SALUTING: 06/92**

1. Deputies, when in full uniform, shall come to the position of attention and shall render a military salute when:
  - a. The National Anthem is played.
  - b. The United States flag passes during parades.
  - c. The Sheriff passes in a parade.
2. Deputies, who are engaged in duties that make it impossible or impractical to render a salute, shall be exempt from this order.

4.00.060

**ENFORCEMENT ACTION INVOLVING OTHER CRIMINAL JUSTICE AGENCIES: 11/00**

1. Department members shall not forward any report directly to other criminal justice agencies in lieu of a warning, Notice of Infraction, citation, or arrest without prior approval.
2. Department members wanting to file a complaint against a member of another criminal justice agency shall comply with GOM 3.03.065.

4.00.065

**JURISDICTION AND INVESTIGATIVE RESPONSIBILITIES: 06/92**

The King County Sheriff's Office is responsible for investigating all incidents occurring in unincorporated King County or contract cities.

- If another agency is involved, they may conduct a parallel investigation.

4.00.070

**SUGGESTIONS FOR THE GOOD OF THE DEPARTMENT: 09/13**

Department members should inform supervisors of suggestions that may improve the department's welfare or efficiency, or suggestions that may be of interest the department or any other Department of King County.

4.00.075

**PUBLIC APPEARANCES:** 09/13

1. Department members, like all citizens, are free to attend public events and express their personal ideas or opinions. However, when making personal appearances or expressing personal viewpoints, department members shall not state or suggest that they are acting as official department representatives.
  - a. It is permissible for the department member to identify oneself as a police officer, Sheriff's deputy or other applicable job title or function, but they should also clearly state that they are expressing a personal opinion or observation and not representing the department.
    - Contract City Chiefs and their representatives are exempt from this requirement while in performance of their specific duties.
  - b. Department members shall also comply with the King County Code of Ethics, Chapter 3.04, which specifically prohibits county employees from using county time and property for political campaign activities.
2. If department members are invited or wish to make public appearances **as official department representatives**, they must first obtain approval as follows:
  - a. To appear or testify as an official department representative before a legislative or other government body, they shall obtain prior approval from the Sheriff.
  - b. To appear at any other public event as an official department representative, they shall obtain prior approval from their supervisor.
    - Contract City Chiefs and their representatives, Community Crime Prevention and School Resource officers are exempt from this requirement while in performance of their specific duties.
  - c. Department members invited to appear in uniform at schools or daycare centers in uniform shall obtain approval from their supervisor.

4.00.080

**CEREMONIAL COORDINATION:** 01/11

The Commander of the Special Operations Section shall plan and coordinate department participation in funerals, memorial services, commemorative services, and other formal functions as may be prescribed or approved by the Sheriff or his/her designated representative.

- The Commander of the Special Operations Section may use the resources of other units within the department to accomplish these duties.

4.00.085

**COLOR GUARD AND HONOR GUARD:** 01/11

1. Either the Color Guard or Honor Guard shall participate in functions as prescribed by the Sheriff or his designated representative.
2. The Color Guard shall present the appropriate flags for the function.
3. Assignment to the Honor Guard may be made from any Section or Unit within the department and the Commander of the Special Operations Section is in charge.

4. Color Guard and Honor Guard equipment shall be stored and maintained by the Special Operations Section.

4.00.090

**MILITARY AREAS, POLICE BUSINESS:** 06/92

Before conducting police business on a military reservation, department members shall contact the Provost Marshal, the Officer of the Day or his representative.

4.00.095

**PATROL, CONTINUOUS COVERAGE:** 03/08

To provide continuous twenty four (24) hour coverage, commissioned members of the Patrol Operations Division shall work 5/2-5/3, 4/10 and 5/2 schedules. Supervisors shall schedule and ensure there is appropriate coverage for patrol shifts. Regular days off for patrol deputies and first-line supervisors shall be determined by which schedule the deputy or supervisor is assigned to.

4.00.100

**ROTATION/SHIFT/DISTRICT ASSIGNMENTS:** 06/10

1. It is the policy of the King County Sheriff's Office that deputies assigned to the Patrol Operations Division will be assigned a shift. Generally, there will be no routine rotation of deputies from one shift to another on a daily, weekly, monthly or quarterly basis.
  - This does not preclude a Precinct Commander from reassigning deputies from one shift to another for the purpose of responding to special or emergency situations, or meeting minimum staffing requirements.
2. Unless legitimate needs such as Field Training or Contract City assignments, shift assignments will be made in accordance with the Collective Bargaining Agreement.
3. As a general rule, assignments to a shift will last one year, from March 1<sup>st</sup> to February 29<sup>th</sup>.
  - In January of each year, shift bidding and assignments will be made for the upcoming year to allow deputies advance notice in the event a change in a shift is made.
4. Precincts may elect to assign shifts on a semi-annual basis in March and September.
  - In January and July of each year, shift bidding and assignments will be made for the upcoming shift to allow deputies advance notice in the event a change in a shift is made.
5. Probationary deputies assigned to Field Training may be required to rotate shifts for the purpose of orientation and training or for staffing needs.
6. Shift supervisors are accountable for the assignment of personnel to patrol districts.
7. Districts will be filled at the discretion of the shift supervisor.

4.00.105



**SHIFT BRIEFINGS:** 12/09

1. Patrol supervisors shall ensure that a shift briefing is issued for their shift via department email each day.
2. The briefing will be distributed by the shift supervisor as early in the shift as possible.
  - a. In cases where multiple supervisors are on duty, only one briefing is required.
  - b. Supervisors should attempt to distribute the briefing within the first hour of the shift.
3. Deputies are responsible for reading the shift briefing upon receipt.
4. The shift briefing shall include date, shift and precinct.
5. Topics for shift briefings may include: (See example)
  - a. Unusual situations within the county, precinct area, or patrol districts.
  - b. Potential or actual hazards within the precinct area or patrol districts.
  - c. Changes in the status of:
    - Wanted persons.
    - Stolen vehicles.
    - Major investigations.
    - Missing persons.
    - Community based initiatives.
  - d. Scheduling changes
  - e. Policy updates.
6. Shift briefings will be done in addition to weekly roll calls.

Email shift briefing example:

**From:** Shift Sergeant  
**Sent:** October 19, 2009 2:10 PM  
**To:** Precinct 2, 2<sup>nd</sup> Shift Squad  
**Subject:** Shift Briefing – Precinct 2, Second Shift

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1. Heavy wind storms are expected in the county. Expect an exceptional number of calls for alarms and downed trees and wires.
2. There are already several trees down in northeast King County. SR 202 is closed near NE 124 for a number of trees in the roadway.
3. There was a robbery at Main Street Market this morning. Two suspects were described as W/M, late teens, in dark clothing. They were last seen eastbound in a silver older Chevrolet Malibu.
4. We are still experiencing mail thefts in the Lake Happiness neighborhood. Please keep an eye out. There is still no suspect information available.
5. Deputy Jones will be securing at 1800 hours, so MPO Johnson will cover the B-6 district for the last four hours of the shift.
6. A reminder that GOM section 12.08.015 requires deputies to fingerprint all juveniles arrested for felony or gross misdemeanor offenses.

4.00.110

**ROLL CALLS:** 06/14

1. Patrol deputies assigned to work a 5/2, 5/3 schedule shall be required to report fifty (50) minutes prior to the beginning of their shift on their first day back to work after their normal furlough days for roll call.
  - a. If a deputy is absent on that first day back he/she will report to work fifty (50) minutes early on the next squad's roll-call day.
  - b. If, because of an authorized absence, a deputy is unable to attend his/her roll-call or a subsequent roll call during a given week, he/she will not be required to make it up during a subsequent week.
2. All commissioned personnel NOT in uniform or on a 5/2-5/3 patrol schedule shall attend at least one (1) roll call per week while on duty.
3. In the case of any 4/10 schedule, deputies should utilize the overlap time of their shift to perform the Roll Call. Roll calls shall be once a week for at least fifty (50) minutes.
4. Weekly roll call topics may include:
  - a. Unusual situations within the county, precinct area, or patrol districts.
  - b. Potential or actual hazards within the precinct area or patrol districts.
  - c. Changes in the status of:
    - Wanted persons.
    - Stolen vehicles.
    - Major investigations.

- Missing persons.
  - Community based initiatives.
- d. Scheduling changes.
  - e. Policy updates.
  - f. Approved training.
5. Precinct level criminal investigators should periodically attend roll calls to inform the patrol deputies of:
    - a. Wanted persons.
    - b. Stolen vehicles.
    - c. Current crime trends.
    - d. On going investigations.
  6. All members attending roll call will complete a sign-in roll call roster (KCSO Form T-105) available on the forms link on the department intranet site.
    - a. Original rosters will be maintained at the work sites.
    - b. Worksite professional staff will scan and send an electronic PDF copy to POD administration.
    - c. Files will be retained for two (2) calendar years.
  7. For formal roll call training with a lesson plan, a copy of the training roster and lesson plan will be forwarded to ATU for input into THOR per GOM 2.17.005, section 7.

4.00.115

**MEALS, BREAKS AND MEETINGS:** 06/10

1. When going out for meals or breaks, deputies shall:
  - a. Notify dispatch of the meal or break and provide location.
  - b. Notify dispatch when clearing from a meal or break.
  - c. Ensure no more than two (2) marked patrol cars and three (3) uniformed deputies will meet for breaks at any eating or coffee establishment.
    - The only exception is the addition of a supervisor for work-related business.
  - d. Refrain from activities that take their focus off of their surroundings.
2. Except for community meetings, National Night Out, etc., meetings requiring more than two (2) marked patrol vehicles and three (3) uniformed deputies shall be conducted in facilities such as precincts, fire stations, storefronts or similar government facilities.

4.00.120

**LINE INSPECTIONS:** 04/19

Line inspections are conducted by supervisory personnel who have direct command over the resources to be inspected.

1. Line inspections shall be conducted for all personnel at least once a year by all KCSO Divisions.
  - Supervisors may conduct more frequent inspections if necessary.

2. Line inspections may be conducted at roll calls, in the field and in offices by line supervisors and may either be scheduled or conducted on an ad hoc basis and should focus on individual and unit state of readiness and compliance with policy and procedures. They may include inspection of:
  - a. Personal appearance.
  - b. Uniforms, to include an inquiry as to the warranty status of soft body armor.
  - c. Required equipment
  - d. Assigned equipment.
  - e. Weapons.
  - f. Vehicle maintenance.
  - g. Office spaces.
3. Supervisors shall provide documentation that a line inspection has occurred. Any deficiencies/issues shall be noted along with any action taken to correct the issue.
4. This documentation will be forwarded to the applicable Division Commander. The inspection report will be maintained in the division files.

4.00.125

**STAFF INSPECTIONS:** 06/14

Staff inspections are in-depth reviews of components of the Sheriff's Office.

1. Staff inspections shall be coordinated and/or conducted by the Inspectional Services Unit (ISU) under the authority of the Sheriff.
2. The Sheriff may direct ISU to conduct staff inspections of any organizational unit, program, process, or activity of the department at any time.
3. ISU shall have unrestricted access to all department functions, records, property and personnel, except in areas specifically exempted by statute, regulation or other directive during a staff inspection.
4. The Division and Unit Commanders will be notified of a pending staff inspection.
5. A written report will be completed at the conclusion of each staff inspection and will be submitted to the Sheriff.
  - The report will contain findings discovered as a result of the inspection and shall make recommendations to correct issues that were identified.
6. When issues cannot be corrected immediately, follow-up inspections shall be scheduled to examine the progress in achieving the desired state.
  - A written report documenting the results of follow-up inspections will be submitted to the Sheriff.

4.00.130

**PUBLIC PHOTOGRAPHY AND VIDEOS:** 07/11

1. Department members are reminded that photographing and videotaping of public places, building and structures are common activities within King County and will have no connection to terrorism or unlawful conduct.
2. Detention of an individual engaged in photography or videotaping should only occur if deputies can articulate that the person is engaged in photography or videotaping for some terrorism or other crime related purpose.

4.00.135

**CITIZEN OBSERVATION OF DEPUTIES: 07/11**

It is the policy of the Sheriff's Office that people not involved in an incident may be allowed to remain in proximity of any stop, detention or arrest, or any other incident occurring in public so long as their presence is lawful and their activities, including verbal comments, do not obstruct, hinder, delay, or threaten the safety or compromise the outcome of legitimate police actions and/or rescue efforts. Deputies should assume that a member of the general public is observing, and possibly recording, their activities at all times.

1. Deputies shall recognize and obey the right of persons to observe, photograph, and/or make verbal comments in the presence of deputies performing their duties except when officer safety, the protection of the suspect or person being detained, including his/her right to privacy, and the safety of onlookers are jeopardized.
2. Citizens, regardless of their intent to video and/or audio record an activity, may not enter any established marked and protected crime scene or a restricted area that would normally be unavailable to the general public.
  - Deputies and follow-up investigators will determine who enters or leaves a secure scene.
3. Bystanders have the right to record police enforcement activities, except when:
  - a. The safety of the officer or the suspect is jeopardized.
  - b. Persons interfere or violate the law.
  - c. Persons threaten others by words or action, or they attempt to incite others to violate the law.
4. Although contact with citizens to obtain evidence is encouraged, deputies will not detain citizens or seize their recorded media when that media contains video, still images or sounds associated with a crime.
5. When recorded media is being sought from an uninvolved citizen deputies should:
  - a. Make a request for voluntary surrender of the media.
  - b. Document the citizen's response.
  - c. If the citizen surrenders the media they should be given an incident number and the requesting deputy's name.
6. If deputies believe the recorded media may be of value to an investigation, then deputies should advise citizens that a court order will be sought for the media and that it should not be tampered with, altered or destroyed, since it may be evidence of a crime.

04.00.140

**IMPLEMENTING SETTLEMENT AGREEMENTS AND JUDGMENTS INVOLVING DISPUTES WITH KCSO EMPLOYEES AND FORMER EMPLOYEES: 03/17**

1. Once a settlement agreement has been signed by all parties, or a judgment has been received, the Legal Advisor responsible for the case will:
  - a. Send a copy of the settlement agreement or judgment to:
    - All KCSO Legal Advisors

- KCSO Chief Financial Officer
  - KCSO Human Resources Senior Manager
  - Business Finance Officer II
- b. Arrange a meeting with the above individuals, as well any other relevant personnel, to create a plan for implementing the settlement agreement or judgment.
- The agreed upon implementation plan will be memorialized in an email to all attendees.
2. Employees who have been assigned tasks related to the implementation plan will contact the Legal Advisor responsible for the case once those tasks have been completed.

## **4.01.000 OVERTIME**

4.01.005

### **GUIDELINES FOR PATROL USE OF OVERTIME: 04/01**

It shall be the duty of all Sheriff's Office employees, supervisors, and commanders to ensure that the use of overtime is closely monitored, is in keeping with good business practices and our core values, and overtime is utilized in a manner consistent with being good stewards of the public trust. Overtime shall be worked with supervisory approval.

It is the policy of the King County Sheriff's Office to grant earned vacation and other paid leave hours in a fair and consistent manner, while maintaining operational effectiveness and adequate levels of staffing. By this the Sheriff's Office will provide:

- Respectful working conditions for all members;
- Proficient, successful investigations; and
- Excellent, fiscally responsible service to our communities.

4.01.010

### **SHIFT EXTENSION/HOLDOVERS: 04/01**

1. It will be the goal of each shift to accomplish their mission without the use of overtime.
2. Non-emergent calls that will require either paperwork or a lengthy investigation are to be held for the oncoming shift if dispatched during the last half-hour of a shift.
  - An exception can be made if the oncoming shift has at least one priority call already holding in that district.
3. A deputy in the middle of an investigation at the end of the regular shift should be granted the option of continuing that case until completion if it is clear that case continuity would suffer by handing the incident off to the oncoming shift.
4. The decision to extend the shift for the purpose of completing paper work will be reviewed by a supervisor prior to the shift extension and will be determined by several factors. Some factors may be:
  - a. Does the incident need to be internally processed right away?
  - b. Are other branches of criminal justice depending on swift processing of the incident?
  - c. Is someone in custody?
5. Incidents that result in a booking should be completed prior to securing.
6. Unless several calls are holding, the oncoming shift should make any transports pending from the case.

4.01.015

**BACKFILLING:** 04/01

The use of backfill overtime in unincorporated King County is authorized only for the purpose of maintaining minimum reactive patrol staffing levels as established by the Chief of Field Operations.

## 1. Vacations.

- a. Personnel must be afforded the opportunity to use earned vacation. It is the goal of this policy to ensure that over the course of a year, supervisors approve at least the number of vacation hours accrued by any individual during a year.
- b. The number of vacation days that can be approved for any shift on any given day will depend on the number of people assigned to that shift and squad.
- c. Approval of vacation beyond these parameters will not be allowed.
- d. Personnel assigned to Shift on any day:                      Approve vacation for:

1 to 7	1
8 to 12	2
13 to 19	3
- e. Additional requests for short-term vacation (1-2 days) can be approved if seventy two (72) hours in advance of those days, backfill would not be required as a result of the additional vacation days.
- f. Shift swapping is allowed. Long term absences carried by any shift should be counted as "personnel assigned."

## 2. Comptime.

- a. Comptime requests will be given every consideration.
- b. Comptime requests submitted seventy two (72) hours in advance of the scheduled shift start time will normally be approved short of undue hardship on the department.
- c. With seventy two (72) hours or more advance notice, it shall be the responsibility of the shift sergeant to solicit volunteer deputies to backfill if necessary.
- d. Requests submitted short of seventy two (72) hours in advance will mean the deputy is responsible for finding a replacement.

## 3. Mandatory Training.

- a. Backfill for mandatory training is authorized if no other viable option is available.
- b. Mandatory training that can be delayed until more favorable staffing conditions should be rescheduled if the delay will not cause a lapse in qualification or expiration of an essential certification.

## 4. Discretionary Training.

- a. The use of backfill overtime for discretionary or continuing education training is not authorized unless approved by a section or precinct commander.
- b. Consideration should be given in those circumstances where the training fills an ongoing Department need, such as:
  - PTO School.
  - Crime Scene Specialist School.
  - Where the training is in response to disciplinary action or an identified individual training problem in need of correction.



4.01.020

**CALL OUTS:** 04/01

1. Call outs for precinct detective support or for additional patrol staffing can be initiated by a field supervisor when circumstances or unusual occurrences warrant the response. Some examples may be:
  - a. Felony suspect(s) in custody for a precinct level detective case where there is a substantial amount of evidence to be processed or tagged, or the need for an immediate, lengthy investigation.
  - b. Windstorms or other severe weather conditions causing widespread serious damage and power outages.
  - c. High number of priority "X" and "1" calls pending.
  - d. Any unexpected situation that jeopardizes public safety.
  - e. The need for a search warrant.
2. Prior to initiating precinct level call-outs, field supervisors should check the availability of other on-duty resources, such as other on-duty personnel or neighboring precincts, and contract cities not affected by the crisis.

4.01.025

**CONTRACT CITY OVERTIME:** 04/01

Guidelines for the use of revenue backed patrol overtime by contract units, such as METRO, and by contract cities shall be the responsibility of these units.

4.01.030

**PATROL OVERTIME SIGNUP PROCEDURES:** 05/08

1. Deputies and sergeants who wish to be considered for voluntary overtime assignments must give their names and email addresses (either KCSO and/or home) to their sergeants and request to be placed on the overtime sign up list.
2. Notice of patrol overtime opportunities will be given by the sergeants to the interested deputies and sergeants on this list via email.
  - a. Interested deputies and sergeants will notify the requesting supervisor of their availability.
  - b. Deputies may only sign up for themselves. They may not sign up on another deputy's behalf.
3. Notices for overtime will be posted in:
  - a. Eight (8) hour shifts will be posted in four (4) hour blocks.
  - b. Ten (10) hour shifts will be posted in five (5) hour blocks.
4. Deputies and sergeants shall respond by contacting the sergeant requesting the overtime via email and notifying that sergeant of their desire to work the overtime in question.
5. Deputies and sergeants will only be allowed to sign up for four (4) hours or five (5) hours for a ten (10) hour shift of overtime at any given time.
6. Deputies and sergeants will be given the following preferences:
  - a. Contract city deputies shall have preference for overtime work in contract cities.
    - If no contract city deputy signs up for the available work, other deputies are eligible to do so.

- b. Unincorporated deputies shall have preference for overtime work in unincorporated areas.
    - If no unincorporated deputy signs up for the available work, other deputies are eligible to do so.
  - c. Deputies shall have preference for deputy overtime over sergeants.
    - If no deputy signs up for available overtime, it may be filled by a sergeant.
  - d. Reasonable effort will be made to fill overtime assignments with deputies from the originating worksite, e.g. Precinct 3 personnel will have first right to Precinct 3 overtime.
    - If no deputy signs up from the originating worksite it can be opened up to other worksites.
7. If two or more eligible employees volunteer for the same hours of overtime, preference will be given in the following order:
- a. The deputy or sergeant who has not worked overtime in the proceeding seven (7) days.
  - b. The deputy or sergeant who has worked the fewer hours of overtime in the preceding twenty four (24) hours.
  - c. The deputy or sergeant who has worked the fewer hours in the preceding 7 days, and as a tie breaker.
  - d. The deputy whose request was received first.
8. The requesting supervisor will let the deputy or sergeant know if s/he has been assigned to work the overtime.
9. Deputies and sergeants who are not able to fulfill their responsibility by working the shift they signed up to work are required to notify their supervisor or the on duty supervisor as soon as reasonably possible, and the sergeant will then fill that vacancy consistent with this policy.
10. Nothing in this policy precludes a supervisor from deviating from the procedure outlined in this policy, when short notice of an overtime need necessitates a deviation.

4.01.035

**REQUESTING OVERTIME COMPENSATION: 10/16**

The procedure for requesting overtime is as follows:

1. With the exception of emergencies and court overtime, all overtime worked must have prior approval from a supervisor or manager within the Division where the overtime is paid.
2. Personnel submitting requests for overtime payment shall submit and publish the request within twenty four (24) hours of the end of the overtime assignment.
  - a. Overtime shall be submitted to the supervisor who pre-approved the overtime.
  - b. Overtime worked during furlough days must be submitted and published on the first day upon returning to work and/or prior to leaving on vacation or other extended leave.
3. Personnel must address any "Returned" overtime, correct it and "Resubmit" and publish within twenty four (24) hours.
4. Any grievance concerning overtime should be resolved using the overtime payment dispute process (GOM 4.01.045).

4.01.040

**OVERTIME APPROVAL:** 09/10

1. Supervisors and managers shall conduct a search each workday for overtime submitted directly to them and for overtime submitted to that worksite and/or shift if appropriate and submit the request to the Payroll Unit, within twenty four (24) hours, if approved.
  - a. Supervisor's can only approve overtime from within their Division. Exceptions can be made with the pre-approval of a Captain or above for shared overtime (i.e., instructor overtime for EVOC, etc.)
  - b. The supervisor approving the overtime shall state this in the comments section.
2. If the worksite is closed on weekends without an appropriate supervisor or manager to approve the overtime, the overtime shall be approved as soon as possible on the first business day following the regular furlough.
3. Supervisors and managers shall conduct a search each workday for overtime that has been "Returned" for correction or additional information.
  - a. These queries should include any overtime that may be outside the default dates range.
  - b. If the submitting member has not yet addressed the issue, the supervisor or manager must contact the member and remind the member to make the necessary corrections and resubmit.
4. Worksite supervisors and managers shall weekly conduct a search to check for overtime requests still in a "Submitted" or "Returned" status and ensure the pending forms are handled promptly.
5. Captains and others of equal rank shall conduct a weekly search to monitor the use of overtime at their worksites.

4.01.045

**OVERTIME PAYMENT DISPUTES:** 05/04

1. For general questions regarding payroll problems, members may contact staff of the Payroll Unit.
2. Overtime payment disputes that cannot be resolved to the member's satisfaction by the Payroll Unit, should be submitted in writing (preferably email), to the Customer Service Representative (CSR) in the Payroll Unit. The CSR is responsible for:
  - a. Researching the dispute.
  - b. Making any corrections if needed.
  - c. Giving the member an answer, in writing, within ten (10) working days from receipt of the dispute notice.
3. If the member does not agree with the finding of the CSR, the member should contact the CSR in writing (preferably email), requesting a review by the Payroll Review Panel. The request must be made within ten (10) working days of the CSR's finding.
4. The Payroll Review Panel shall consist of a representative of the member's bargaining unit and the member's Division Commander.
5. The Payroll Review Panel shall:
  - a. Review the dispute.
  - b. Notify the CSR if changes are to be made.
  - c. Notify the member of its decision, in writing, within five (5) working days of the CSR's presentation of the issue to the Panel.

6. The decision of the Payroll Review Panel is final.

4.01.050

**REQUESTING ACTING RANK COMPENSATION: 05/04**

1. Unless in emergency situations members who are appointed to acting rank of supervisor or manager, will receive e-mail or written notice prior to the event or duty.
2. The supervisor or manager who needs to appoint another member to act in his/her place will send an e-mail request to the member with a notification to the requesting member's supervisor.
  - The request will contain the dates and times of the acting rank assignment to be worked.
3. If approved, the requestor's supervisor will forward the request via e-mail to Payroll, with copies to the requestor and the acting member.
4. Once the approval is received, Payroll will ensure compensation during the appropriate pay period.
5. If there are any changes to the acting dates, the member who originally made the acting appointment must notify Payroll via email immediately to ensure correct compensation.

## **4.02.000 TRAVEL AND EXPENSE GUIDELINES**

4.02.005

### **POLICY STATEMENT: 11/08**

It is the Sheriff's Office policy to reimburse department members for travel and expenses in accordance with guidelines set by the King County Council, the Office of Finance, and King County Code 3.24 and PER 17-1-3. Department members should use prudent judgment to avoid unnecessary County expenses. Any questions regarding this policy should be referred to the Budget and Accounting Unit.

4.02.010

### **TRAVEL AUTHORIZATION/CLAIMS: 12/17**

Department members shall obtain written approval from the Sheriff or his/her designee when traveling on department business outside Washington State, overnight travel in Washington State or day travel exceeding six (6) hours outside King County.

1. When more than one member is traveling on the same trip, justification explaining the benefit to the department of authorizing more than one person is required.
2. Unless in an emergent need, department members shall submit a King County Travel Authorization & Reimbursement Form fifteen (15) business days before departure.
  - a. Travel Authorization & Reimbursement forms are available on line at the KCSO website.
  - b. Travel Authorizations are to be filled out, signed by the Sheriff or his/her designee, and submitted intact to Budget and Accounting for travel authorization.
3. Department members shall use the department's authorized Travel Agency for travel arrangements.
4. Upon returning, department members shall attach receipts for lodging, car rental, registration fees, air fare (if not prepaid) and miscellaneous expenses greater than ten (10) dollars to a completed King County Expense Claim Voucher (Form BUC-010-3-B 0172) which is available on line at the KCSO website.
  - a. The Voucher shall be approved by the appropriate Division Chief and sent to Budget and Accounting.
  - b. Budget and Accounting shall check the form for accuracy and send to the Office of Finance.

4.02.015

### **EXPENSE GUIDELINES: 12/16**

#### **TRAVEL:**

Department vehicles should be used for all trips related to department business, except:

1. When air travel is more practical or economical based on coach class.
2. When personal autos have been approved by a supervisor for local travel.
  - a. Vehicular mileage shall be reimbursed at the rate set by the King County Office of Finance.
  - b. Reimbursement requests for the previous calendar year shall be submitted by the 5<sup>th</sup> of January.

**LODGING:**

Lodging costs are reimbursed on paid hotel/motel receipts based on a fixed per diem amount established by the Federal Government.

1. Department members shall obtain an itemized hotel receipt.
  - If government/per diem rates are unavailable, it shall be noted on the receipt.
2. Department members shall be reimbursed for lodging costs incurred for single occupancy.
3. If a room was shared the members will be reimbursed half of the double occupancy charge.

**MEALS:**

1. Meal costs are reimbursable for official external County business only and shall be reimbursed on a fixed per diem amount established by the Federal Government.
  - The per diem varies depending on location of travel.
2. All requests shall be submitted on a Claim for Expense Voucher to Budget and Accounting.
  - Receipts are not necessary.
3. Meal expenses over the stipulated amounts shall not be paid unless extenuating circumstances exist with approval of the Sheriff or his/her designee.
  - In these instances, receipts shall be retained
4. Meals for partial day travel are based on a percentage of the per diem amount.
  - a. Twenty (20) percent of the per diem rate for breakfast.
  - b. Thirty (30) percent of the per diem rate for lunch.
  - c. Fifty (50) percent of the per diem rate for dinner.
5. The fixed meal allowances may be claimed if in day travel status at the following times:
  - a. Breakfast 0700 hours.
  - b. Lunch 1200 hours.
  - c. Dinner 1800 hours.

4.02.020

**REGISTRATION FEES: 06/92**

Registration fees associated with approved meetings, conferences, seminars, etc., shall be reimbursed according to the paid receipt(s).

4.02.025

**PERSONAL EXPENSE ITEMS: 11/08**

The department shall not reimburse personal items. For example, alcoholic beverages, entertainment, shoe shines, haircuts, etc.

4.02.030

**APPROVAL:** 11/08

Unless in an emergent need, all travel, at department expense, shall have written approval by the Sheriff or his/her designee prior to any airline tickets, lodging arrangements, etc., being made.

4.02.035

**TRAVEL ADVANCES:** 11/08

Unless in an emergent need, all travel advances shall have prior approval by the appropriate Division Chief and submitted to Budget and Accounting at least ten (10) business days before the advance is needed.

1. Travel advances must be at least one hundred (100) dollars to receive funds prior to travel.
2. When the advance exceeds actual expenses, a check for the balance due shall accompany the Expense Claim Voucher and both shall be submitted to Budget and Accounting within five (5) working days.

4.02.040

**CASH ACCOUNT MAINTENANCE:** 04/18

1. All cash funds and accounts within the Sheriff's Office where personnel receive, maintain, or disperse cash, or will become County funds, will be established and handled in accordance with County Financial Management policies FIN 10-2-1 and FIN 15-3-2.
2. All such funds and accounts will include:
  - a. A system that identifies the initial balance, cash received, cash dispersed and the balance on hand.
  - b. Receipts for cash received.
  - c. Authorization for cash disbursements from the appropriate Division Commander.
  - d. Maintenance of records, documentation and/or invoice requirements for cash expenditures.
  - e. Quarterly accounting of agency cash activities.
3. The following are authorized accounts and their respective custodians.
  - a. Petty Cash Accountant, Budget and Accounting Section
  - b. Flash Monies Captain, Major Investigations Section
  - c. Major Crimes Captain, Major Investigations Section
  - d. Unassigned Cash Captain, Major Investigations Section
  - e. Regional Intelligence Captain, Major Investigations Section
  - f. Precincts 2, 3 and 4 Administrative Captains
  - g. Metro Administrative Captain
  - h. Property Management Unit Administrative Services Captain
  - i. Sound Transit Captain
4. Expenditures in excess of twenty-five thousand (25,000) dollars require authorization from the Undersheriff.

4.02.045

**PETTY CASH:** 07/17

1. The use of petty cash funds shall be restricted to emergency expenditures legally payable by the department for transactions of official business.
2. Petty cash disbursements are limited to one hundred (100) dollars per transaction.
3. A King County Petty Cash Slip (KCSO Form A-7a) shall be completed for each request. Petty cash slips shall:
  - a. Have the invoice or receipt attached.
  - b. Be approved by a supervisor; and
  - c. Be forwarded to Budget and Accounting.
4. Petty cash funds shall not be used for:
  - a. Personal cash advances.
  - b. The cashing of personal checks.
  - c. Parking, travel and training expenses.
    - A Claim for Expense Form shall be completed.

4.02.050

**FERRY TICKETS:** 11/08

The following guidelines are established to provide uniformity and accountability in the purchase of ferry tickets.

1. "Wave 2 Go" business cards shall be provided at County expense for department members using the ferry on authorized department business.
  - No one except authorized member(s) shall use this card.
2. "Wave 2 Go" cards may be issued to the department if authorized in writing by a Division Commander or his/her designee.
  - a. A copy of the authorization shall be sent to Budget and Accounting.
  - b. Business charge cards are bar coded with our established account number and are to be used at the toll booth for scanning your fare. You will be given a receipt.
  - c. The receipt shall be sent to Budget and Accounting within five (5) working days.
  - d. A monthly statement will display the specific card # that was used for each charge and be reconciled by Budget and Accounting.
3. Vashon Island ferry tickets shall be maintained at the Southwest Precinct.
  - a. The tickets are recorded on a sign-out log.
  - b. The administrative specialist completes a memorandum for the purchase of the tickets and attaches the receipt.
  - c. A Captain or above must sign the memorandum and a copy is filed along with a copy of the receipt and the original is forwarded to Budget and Accounting.
4. Department members should purchase tickets at their own expense if prior authorization has not been granted or tickets are not available.
  - Department members shall obtain a receipt and request reimbursement from Budget and Accounting using an Expense Claim Form.



5. Tolls or ferry tickets will not be paid for off-duty vehicle use.
6. Lost or stolen cards shall be reported immediately to Budget and Accounting.

4.02.055

**VEHICLE TOLLS:** 02/16

1. Absent an emergency or purchasing a personal pass, using a toll bridge or a camera monitored Hot Lane that will incur charges is prohibited for any department vehicle. If an emergency, members crossing a toll bridge or using a Hot Lane that incurs charges, shall notify their supervisor via the dispatcher and report the date, time and circumstance to the Fleet Manager and Budget & Accounting at [KCSO.Accounting@kingcounty.gov](mailto:KCSO.Accounting@kingcounty.gov) within five (5) business days.
  - Reporting shall be done by email.
2. Members who use I-405 routinely while on duty in King County may request a *Good to Go!* flex pass by forwarding an email request through their supervisor to King County Fleet. The flex pass may be used when using the express toll lanes on I-405. The pass must be in the HOV mode to travel in the express toll lanes.
  - a. Per WAC 468-510-010, HOV lane travel only applies to marked patrol vehicles while on duty.
  - b. Members are prohibited from switching the pass out of HOV mode.
  - c. Flex passes are assigned to a particular vehicle. Members shall not move a department vehicle flex pass and use it in any other department vehicle. If a member changes vehicles and still requires a flex pass they shall request a new flex pass for the new vehicle.
  - d. Use of department issued flex passes in personal vehicles is prohibited and will result in progressive discipline.
  - e. Flex passes will not be issued to unmarked vehicles unless special circumstances necessitate one being issued.
    - If special circumstances exist, members may request a pass by submitting a memo via the chain of command to their Division Commander.
3. Members who have a personally owned *Good to Go!* Flex Pass for their privately owned vehicle transfer that pass to their department vehicle and use it in the toll mode for commuting purposes (unless traveling with 3 or more people, in which case HOV mode can be used).
  - Members are responsible for all tolls while commuting.
4. If a member without a *Good to Go!* Pass, uses a tolling system for department business, they shall notify their supervisor by sending an e-mail detailing usage and justification for department business. The supervisor will approve or deny the usage and forward the results to Budget and Accounting at [KCSO.Accounting@kingcounty.gov](mailto:KCSO.Accounting@kingcounty.gov)
5. It is the responsibility of the member's chain of command to ensure that each use of the *Good to Go!* tolling system was proper and/or justified.
6. If a member does not have a personal account, or if a member sets up a personal *Good to Go!* account and the account runs out of money, the *Good to Go!* tolling system will take a picture of the department member's vehicle license plate and King County will incur the bill.
  - King County cannot pay a bill for the member's use of *Good to Go!* tolling without proper documentation/authorization as such would be a gift of public funds.
  - The department member shall pay the unauthorized/personal commuting bill to *Good to Go!* for direct charge cars.
  - Unauthorized toll use in a KCSO Fleet vehicle shall be paid to Budget and Accounting.

- Metro and ARFF purchase and manage their own fleet of vehicles and any toll reimbursement or *Good to Go!* issues need to be addressed by their individual fleet managers/captains.
7. Budget and Accounting will conduct monthly audits of the *Good to Go!* system usage and will notify the member's chains of command when *Good to Go!* system usage occurs without apparent proper authorization/justification.
  8. For non-authorized/justified use of the *Good to Go!* tolling system, members shall forward payment to KCSO Budget and Accounting.
  9. Continued intentional use of the *Good to Go!* tolling system without prior authorization may result in progressive discipline.

## **4.03.000 OFF DUTY EMPLOYMENT**

4.03.005

### **POLICY STATEMENT:** 04/01

The primary employment of each member is the King County Sheriff's Office. All secondary employment shall not interfere with a member's performance of duties for the department. Members must report for duty when scheduled or directed regardless of any secondary commitments. Members who work off duty shall conduct themselves in a manner that maintains respect for themselves and the Sheriff's Office and shall comply with all Sheriff's Office rules, policies and procedures.

4.03.010

### **DEFINITIONS:** 11/13

For purposes of this policy:

**"Conflict of Interest"** means any situation where there appears to be:

1. A compromise of integrity, character, efficiency, or decency of the department; or
2. A violation of any section of **any** current Collective Bargaining Agreement; or
3. A violation of any Federal, State, or local law or ordinance; or
4. A violation of the King County Code of Ethics.

**"Off Duty Employment"** means any department member, working in any law enforcement capacity beyond on duty department time, whether self-employed or not, charitable or voluntary, paid or unpaid work, including the coordinating of off duty employment.

4.03.015

### **AUTHORIZED EMPLOYERS:** 02/16

1. A list of authorized employers will be maintained in the online Secondary Employment database.
2. All employers on the list will be notified of the requirements for vehicle reimbursement.
3. Failure of an approved employer to pay vehicle fees may result in removal from the pre-approved employer list.

4.03.020

### **OFF-DUTY EMPLOYMENT, APPLICATION PROCESS:** 02/16

1. Department members wishing to work off duty shall submit an electronic "Secondary Employment Permit" (KCSO A-113) to their supervisor for approval. This form is accessed at

<http://secondaryemployment/secondaryemployment/SecondaryEmploymentHome.aspx>

2. Off duty employment may only occur with authorized employers.
3. A SEP is required for each employer.
4. Department members shall obtain approval before starting any off duty employment.
5. If an employer is not in the member's "Approved for Employers" drop down box online, then the member must go to the online "A113 Employer Request" tab, submit a request for the employer the member wishes to work for, and electronically submit the SEP to the member's supervisor.
6. Each supervisor shall recommend approval or disapproval the SEP.
  - Supervisors or command staff may revoke the SEP, any time, for cause.

7. If the SEP is not approved, it shall be returned to the requestor with written reasons for disapproval.
8. Once the SEP receives final approval, it will be maintained in the secondary employment database.
9. SEPs do not need to be renewed annually and will remain in effect until employment with the specific company, listed on the SEP is terminated.

4.03.025

#### **OFF DUTY EMPLOYMENT, STIPULATIONS:** 04/19

The following stipulations apply to off duty employment:

1. Department members directed to work overtime shall do so despite any off duty employment obligation.
2. Department members are prohibited from working off duty under the following conditions:
  - a. On probation.
    - Exceptions can be made for Phase 4 and lateral deputies if approved by their precinct commander.
    - This does not apply to promotions.
  - b. On light duty assignment.
  - c. On a leave of absence, paid or unpaid.
    - Unless approved by the Undersheriff or his/her designee.
  - d. On a day sick leave or disability leave is taken.
    - For the purposes of this section, an off duty job may not be worked during the "workday" as defined by current collective bargaining agreements if such leave is taken.
  - e. During normal working hours when family sick leave is taken.
  - f. Absence without Leave (AWOL).
  - g. On department suspension.
  - h. Received a performance review rating of improvement needed in any category.
  - i. The SEP has not been approved or has been revoked or canceled.
3. Department members are prohibited from working off duty under the following employment situations:
  - a. The work schedule conflicts with the department member's regular department work schedule.
    - Members working a flex schedule as recognized by labor agreements must submit for either comp time or vacation time if all or part of the off duty employment takes place during what would be normal (un-flexed) work hours. However, if hours have been flexed to accommodate department needs, and if approved by a supervisor, an exception may be made in individual cases.
    - Department members may not split shifts to accommodate off duty employment.
  - b. Where there is an apparent conflict of interest, such as:
    - The **primary** business is gambling or the sale of alcoholic beverages. Exceptions include:

- Businesses where the cocktail lounge or gambling is a secondary service (e.g., hotels, bowling alleys);
- Gatherings where liquor is sold under the authority of a banquet permit.
  
- Owner, manager, or employee of any business associated with:
  - Civil process service.
  - Repossessions.
  - Bail bond.
  - Bill collection.
  - Ambulance service.
  - Vehicle towing services.
  - Private detective, private security business, or investigation services.
  - Merchant patrol.
  - Police/uniform equipment suppliers.
  
- Establishments associated with:
  - Dating services.
  - Massage parlors.
  - Topless entertainment, adult only services/activities, or other vice related occupations.
  
- c. Acting in any capacity that assists in investigation, case preparation, presentation, or testimony involving:
  - Criminal cases or civil cases until any related criminal charges have been adjudicated.
  - Civil cases in which a political division or subdivision of the state of Washington (i.e., county, city, agency, board, etc.) is or could be a defendant.
  - Cases where another King County deputy may/or will be called as a fact witness.
  - Cases inside of unincorporated King County and to areas inside of King County's jurisdiction.
  - Any case in which he or she was involved in any official capacity.
  - The use of County resources, including time, equipment, services, or information.
  - The representation of himself or herself in any official capacity.
  
- d. When the employer is involved in a labor dispute or when there is a likelihood of a labor dispute.
  
- e. Any employer the Sheriff deems inappropriate for members to work.
  
- 4. Sworn department members, who wear the department uniform while engaged in off duty work, shall comply with GOM 7.01.030 (Uniform of the Day).
  
- 5. Department members shall not use on duty time or department facilities to coordinate, arrange or otherwise provide for off duty employment, unless approved by a Division Commander or the Undersheriff.
  - Any requests received for employment at a county work site, or by on duty personnel, for off duty sworn members shall be forwarded to appropriate labor organization for the class of employee requested.
  
  - Does not include requests from other county agencies.
  
- 6. Persons who organize security plans for King County events should not be responsible for obtaining off duty deputies for that event.
  
- 7. In the event an arrest occurs while engaged in off duty employment, the member shall:

- a. Contact the local law enforcement agency to file the incident report, if in another jurisdiction.
- b. Complete an incident report if in unincorporated King County or contract city.
- c. Secure the prisoner for transport if required.

4.03.030

**DEPARTMENT VEHICLE REIMBURSEMENT: 02/14**

- 1. Department members shall use department vehicles for off duty employment.
  - a. Personnel not assigned marked patrol cars are encouraged to borrow a marked vehicle when appropriate for the assignment.
  - b. Marked pool vehicles should not be used for this purpose without permission from the Precinct/Section Commander.
- 2. The department vehicle will not be used when working at Century Link or Safeco Fields.
  - a. Members driving a department vehicle to these venues for off duty employment will be responsible for the payment for the use of the vehicle.
  - b. Members will self report the use of a department vehicle by emailing "KCSO Accounting" and state the vehicle was driven to the stadium for off duty employment.
  - c. KCSO Accounting will generate an invoice and will send it to the member's work location.
    - Department members are responsible for promptly paying the invoice amount.
- 3. All other off duty employers must agree to pay the vehicle usage fee as established by the Sheriff's Office.
  - a. The Chief Financial Officer will post on the Budget and Accounting website the most current rate information.
  - b. Additionally, any labor union arranging off duty employment will post the current vehicle reimbursement fees schedule.
- 4. Ensuring payment of the reimbursement fee is the responsibility of the off duty employer.

4.03.035

**OFF DUTY EMPLOYMENT, COMPENSATION: 11/13**

- 1. The off duty hourly rate for deputies and sergeants shall be established by the King County Police Officer's Guild.
- 2. The off duty hourly rate for captains shall be established by Puget Sound Police Managers Association.
- 3. Members working off duty shall ensure that they either complete a W-4 form or notify the employer of the need for a 1099 form. In all cases, members are responsible for any federal income tax or FICA tax liability and are expected to pay all necessary taxes associated with any off duty employment.

4.03.040

**OFF-DUTY EMPLOYMENT, NOTIFICATION REQUIREMENTS: 02/16**

Members working off duty:

- 1. Shall log into the secondary employment data base and complete the "log employment" section,

- entering in all requested information including the CAD number.
2. Shall notify, via radio or by CAD, the closest area dispatcher of the:
    - a. Location of the off duty employment.
    - b. Name of the employer.
  
    - c. Time they started the off duty employment.
    - d. Time they ended the off duty employment.
      - The times do not include commute time.
  3. Are expected to monitor the closest area radio dispatch frequency if appropriate for the assignment, and are expected to offer assistance to on duty personnel when appropriate.
  4. Will clear with the FCR "585" when the off duty employment is completed.

## **4.05.000 TESTIFYING IN COURT**

4.05.005

### **INTRODUCTION:** 05/99

Appearing in court to give testimony is one of the most important responsibilities of a Sheriff's deputy. It is the culmination of the police role in the criminal justice process. In court, the quality of a deputy's work becomes either painfully or pleasantly obvious, which reflects upon the department. Because of this, it is important that each department member be thoroughly familiar with the protocol and procedures of the court in addition to careful and complete preparation of the case. This policy is intended to assist deputies when testifying in court.

4.05.010

### **REQUIREMENT TO ATTEND:** 05/03

1. Department members shall honor all subpoenas and summons received for any court or other formal hearing.
2. Department members shall comply with all verbal or written instructions and shall appear unless prior arrangements (e.g., guilty plea, dismissal, illness, secondary deputy) have been made with the court or prosecutor.
  - a. Department members who receive a subpoena or summons for civil actions shall comply with GOM 1.00.025.
  - b. Department members who receive a subpoena or summons to appear as a defense witness shall comply with section 050.
3. When two or more members receive a subpoena or summons on the same case in District Court or a License Revocation Hearing, the primary member will attend. Secondary members shall verify with the prosecutor the need for appearance prior to the court date.
  - The primary member is listed first on the subpoena or summons.

4.05.015

### **DEPARTMENT MEMBERS RESPONSIBILITIES:** 05/03

1. Department members attending court or other formal hearing shall be prepared to testify at the date, time, and place specified on the subpoena or summons.
2. Department members who are scheduled to testify during their normal duty hours shall notify their supervisor upon receiving a subpoena or summons.
3. To ensure that court overtime and unnecessary court appearances are kept to a minimum, all members and employees with voice mail boxes and reasonable access to King County e-mail shall check these each work-day for information related to their court appearance.

4.05.020

### **PREPARING FOR COURT:** 05/99

1. Deputies should start preparing for court as soon as they become involved in an incident.
  - a. This preparation includes taking accurate, complete, legible notes and reports.
  - b. When an incident is investigated aimlessly, there is little chance that it can be presented in court in any other light.



2. Deputies should refresh their memory before the trial.
  - a. Visit the incident scene during normal patrol.
  - b. This will help reestablish physical characteristics and inter-relationships between the scene and the incident itself.
  - c. It will also give the deputy's notes and other written records more clarity and perspective when reviewed.
    - Sometimes in very serious or involved cases, one deputy may play only a small part in relation to the total effort.
    - However, that small part may be extremely crucial.
  
3. Deputies should read the entire case file when possible.
  - a. Many brief mini-reviews can be more valuable than one continuous "cram" session.
  - b. Know the strong and weak points of the case and advise the prosecutor of these at the pretrial interview.
  - c. The prosecutor does not want surprises delivered from the witness stand, which are not appreciated and can have serious consequences.

4.05.025

**TAKING THE STAND:** 05/99

1. When called to testify, proceed directly to the location where the oath is administered.
  - a. Stop and raise your right hand. Listen to the oath as it is administered and reply in a firm audible voice.
  - b. From there you will be asked to "take the stand."
  - c. Proceed directly to the stand and seat yourself comfortably, but erect and attentive.
    - Avoid walking between the judge and the attorneys.

4.05.030

**TESTIFYING:** 05/99

1. Deputies should be convincing in their testimony. A deputy's first impression will directly affect their credibility on the witness stand.
  - a. **Deputies shall always tell the truth when testifying.**
  - b. If you do not know the answer to a question simply state, "I do not recall" or "I do not know that answer."
  
2. Do not use police jargon or slang terms when testifying.
3. Do not volunteer irrelevant testimony through ignorance or carelessness.
4. Deputies shall remain composed and consistent in their testimony and when undergoing cross-examination.
  - a. Some defense attorneys play word games in an attempt to confuse the deputy.
  - b. In response to this, the deputy should first **listen** to the question, **think** about the answer, then reply completely, calmly, and courteously.

4.05.035

**COURT TESTIMONY:** 06/92

1. Members shall identify themselves using their name and employer.
2. Members shall testify with accuracy, confining themselves to the case before the court, and shall not suppress or overstate circumstances to favor or discredit anyone.
3. Members shall not show excessive friendliness or animosity toward any party participating in the case.

4.05.040

**DISCUSSING CRIMINAL CASE TESTIMONY:** 08/94

Deputies must make themselves available for defense interviews. Deputies may request a joint interview with the defense attorney and the prosecutor.

- A joint interview is recommended for all felony cases.

4.05.045

**SIGNING STATEMENTS CONCERNING CRIMINAL CASES:** 06/92

Deputies shall not provide taped or written statements concerning criminal cases for non-police agencies, except at the direction of the Prosecuting Attorney.

4.05.050

**DEPARTMENT MEMBERS APPEARING AS DEFENSE WITNESSES:** 06/92

Department members receiving subpoenas or requests to be a defense witness shall immediately notify the concerned Prosecuting Attorney Office and department Legal Unit, in writing, via chain of command.

4.05.055

**COURT RELATED COMPENSATION:** 05/03

1. Court related compensation shall be governed by the current Collective Bargaining Agreement.
2. Requests for court related compensation shall be handled in the same manner as regular overtime with the following exceptions.
  - a. Retain the subpoena until after the appearance date then provide the original or a copy to your supervisor for filing at the work place.
    - These files shall be retained for one year.
  - b. If no subpoena or summons was received and a court appearance was made, write the defendant's name and cause number in the "Comments" section of the overtime form and obtain a prosecutor's signature.
  - c. A prosecutor's signature is also required on the overtime form when a court appearance is made on a date other than the subpoena date.
    - Write the actual appearance date(s) on the subpoena if different than original date.

4.05.060

**JURY DUTY, DEPARTMENT MEMBERS:** 07/10

1. Department members receiving a summons to appear for jury duty shall inform their supervisor as soon as possible, but no later than two (2) weeks in advance of jury date.
  - The supervisor should review the summons prior to approving the leave.
2. Members shall complete an absence request for jury duty.
3. Members returning from jury duty shall comply with their current CBA.
4. Members receiving a check for jury duty shall contact the Budget and Accounting Unit for instructions on what to do with the check.
  - When paid by the County while on jury duty members cannot keep money that was given for jury duty.

## **4.06.000 CIVIL PROCESSES**

4.06.005

### **INTRODUCTION:** 07/04

The service and execution of civil and other legal processes is governed by very specific statutory provisions. The collection of fees, obtaining appropriate bonds of indemnity, performing evictions, and filing of supporting documents requires specific actions that provides how process service must be reported to the courts. Any deviation from these provisions by the Sheriff's Office or serving deputy(s) may cause the service to be without lawful effect. This policy is intended to assist deputies to recognize and understand civil processes and their general purpose.

4.06.010

### **DEFINITIONS:** 04/94

For purposes of this policy:

**"Process"** means:

1. Any procedure used by a court to acquire or exercise its jurisdiction over a person or over specific property; or
2. A procedure through which a court compels a defendant to appear before the court or comply with its demands; or
3. A summons, summons and complaint, or sometimes a "writ."

**"Writ"** means an order issued by a court requiring the performance of a specified act or giving authority to have a specified act accomplished.

**"Service of Process"** means that a copy of a legal document shall be delivered to, or left with, the named party.

- The service must furnish reasonable notice to the defendant of the proceedings against him and afford him an opportunity to appear and be heard.

**"Personal Service"** means to deliver the process to the actual person to whom it is directed or to someone legally authorized to receive process on the named person's behalf.

4.06.015

### **GENERAL POLICY:** 07/04

1. Generally patrol deputies should not serve any civil process.
  - The exceptions are Domestic Violence Protection orders and Anti-harassment Orders (GOM 12.04.000).
2. Patrol deputies shall refer all requests to serve, non-DVPA and anti-harassment orders to the Civil Process Unit.
3. When a patrol deputy is called to assist the Civil Process Unit in the execution of a writ, the deputy should provide backup as requested by the civil detective.
4. Department members shall not give legal advice or express opinions as to the merit of civil issues.
  - If information and instructions regarding process service are necessary, contact the Civil Process Unit.

5. If an emergency exists contact the supervisor of the Civil Process Unit or the department Legal Advisor before taking action.
6. In child custody matters, an additional information source is the Child Find Unit.

4.06.020

**EXTRAORDINARY WRITS:** 04/94

There are numerous writs and orders that are handled exclusively by the Civil Process Unit. This is due to the technical nature of the writ or order. Deputies who are provided with copies of writs or orders should not attempt to serve them but should contact the Civil Process Unit with any questions. The two writs that a deputy is likely to see are:

1. **Writ of Habeas Corpus** (R.C.W. 7.36):
  - a. Order to bring a person before the court at a time and place as directed by the court.
  - b. The sole purpose of the writ is to release someone from unlawful imprisonment.
    - These writs normally involve child disputes and shall be directed to the Child Find Unit via Civil Process Unit.
2. **Writ of Restitution (Evictions)**, (RCW 59.08):
  - a. Order that compels the return of a residence, dwelling, or building to its owner.
  - b. Commands the Sheriff's Office to evict a tenant.
  - c. This writ is either served on the defendant or posted on the property.
    - These writs are normally handled by the Civil Process Unit and patrol is used in a back-up role.

4.06.025

**LANDLORD/TENANT:** 04/94

The rights and responsibilities of landlord and tenant are found in the Residential Landlord Tenant Act (RCW 59.18) and the Mobile Home Landlord Tenant Act (RCW 59.20). Generally, disputes arising under these statutes are non-criminal and enforced by the courts.

1. Some criminal acts under the Landlord Tenant Act are:
  - a. **Tenant:**
    - A tenant who intentionally destroys property belonging to the landlord, (e.g., punching holes in the walls or ripping out fixtures), may be charged with malicious mischief.
      - Normal wear and tear is not a crime.
    - A tenant who intentionally steals property belonging to the landlord may be charged with theft.
    - A tenant who has been evicted by the Sheriff and returns to the dwelling may be charged with burglary or criminal trespass.

b. **Landlord:**

- A landlord, or other person acting under his/her authority, who enters the premises of the tenant without the tenant's consent or without authorization granted by RCW 59.18.150 may be charged with burglary or criminal trespass.
- RCW 59.18.150 states that a landlord, or other person acting under his/her authority, may enter the premises of the tenant without consent **only** when one or more of the following conditions are present.
  - In the case of emergency or abandonment.
  - By court order.
  - By giving two (2) days notice and then only at reasonable times.
- The defense against criminal liability for trespass afforded by RCW 9A.52.090 (3) is not available to a landlord or to anyone acting under his/her authority who has unlawfully entered the premises of a tenant.

4.06.030

**EVICCTIONS:** 04/94

1. The landlord must give notice to the tenant and obtain the appropriate court order to evict the tenant.
  - This applies even if there is no lease.
2. Only the Sheriff, with the appropriate court order, may physically evict a tenant.
  - Landlords **cannot** physically remove a tenant.
3. Because evictions are technical and require specialized training, this duty is performed by the Civil Process Unit.
  - A patrol unit may be used for back-up.

4.06.035

**CIVIL CONTEMPT WARRANTS:** 07/04

Various courts issue Civil Contempt Warrants, including Superior Court. All of these warrants are civil in nature and must be treated differently than criminal warrants. (They are not misdemeanors but are coded as misdemeanors). They are often issued in domestic cases, general civil cases and child support cases under Chapter 26 (RCW) where the person fails to follow court orders. They may be issued on other types of civil cases as well.

1. **Civil contempt warrants DO NOT provide the authority to “Break and Enter,” nor can “K-9” be used to apprehend the defendant, if this is the only warrant.**
  - If the person being arrested also has a criminal warrant, criminal charges or a failure to appear for a civil child support hearing warrant, then deputies may move beyond the rules governing civil contempt warrant arrests.

2. When a person is arrested on a Civil Contempt Warrant, when issued through the Family Support Division of the King County Prosecutor's Office, it is important to be aware of the following forms DATA will fax to the jail upon arrival.
  - a. Advisory Notice that states in part: "Booking Officer, please give this Notice to the respondent at the time of booking, etc."
  - b. Bench Warrant for Contempt of Court.
  - c. Order for Bench Warrant for Contempt of Court (only on those warrants issued after July 1, 2003)
  - d. Defendant Information Sheet.
3. When a person is arrested on a Civil Contempt Warrant, other than those issued through the Family Support Division of the King County Prosecutor's Office, it is important to be aware of the following forms that DATA will fax to the jail upon arrival.
  - a. Bench Warrant for Contempt of Court.
  - b. Order for Bench Warrant for Contempt of Court.
  - c. Defendant Information Sheet.
4. Disbursement and service by the arresting deputy/officer (**The jail staff will not serve these**).
  - a. Advisory Notice will be given to the defendant.
  - b. Bench Warrant for Contempt of Court must be photocopied and served on the defendant.
    - The original FAX will be placed in their booking packet.
  - c. Order for Bench Warrant for Contempt of Court must be photocopied and served on the defendant.
    - The original FAX will be placed in their booking packet.
  - d. Defendant Information Sheet will be placed in the defendant's booking packet.
5. This is a critical step in the arrest process for Civil Contempt Warrants.
  - a. These documents will provide the defendant with specific instructions in regards to where and when to appear in court, should they have the ability to "Post" or "Bail Out" prior to their court hearing.
  - b. If these steps are not followed, then the service may be later ruled ineffective.
6. If you have any questions or problems, contact either the Special Support Enforcement Unit Supervisor or the Criminal Warrants Unit Supervisor.

4.06.040

**CRIMINAL CONTEMPT WARRANTS: 07/04**

All criminal contempt of court warrants should be handled the same as other criminal warrants.

## **4.08.000 DISPOSITION OF FOUND/UNCLAIMED BICYCLES**

4.08.005

### **INTRODUCTION:** 08/00

The recovery and disposition decision of found or unclaimed bicycles shall be the responsibility of the precincts. Unclaimed bicycles may be converted for Sheriff's Office use, donated to local charitable organizations, auctioned, or discarded. This policy is intended to assist members when handling found or unclaimed bicycles.

4.08.010

### **PROCEDURES FOR HANDLING FOUND OR UNCLAIMED BICYCLES:** 08/00

1. The call receiver shall:
  - a. If available from the caller, run the bicycle serial number to check for stolen or wanted information.
  - b. Transfer the call to the correct precinct or city.
2. Precinct clerk shall:
  - a. Write down the caller's name, address, and phone numbers, location and description of the bicycle, and the serial number if available.
  - b. Advise the caller that someone will respond as soon as possible to investigate and/or remove the bicycle.
3. The precinct CSO, Volunteer, or Explorer shall:
  - a. Establish a schedule to pick up unclaimed bicycles and complete Found Property Rights Statements if the R/P is home.
    - If R/P is gone, complete the form with the information as given to the clerk, and leave copy at the R/P location.
  - b. Transport the bicycle to the precinct if it is unclaimed or the owner is known but the bicycle cannot be immediately returned to the owner.
  - c. Verify serial number(s) and other descriptions, run the serial number through CAD and tag the bicycle.
  - d. Leave the bicycle with the finder if claimed according with Found Property Rights law.
    - The Yellow Copy of the Found Property Form (A-166) will be sent to the Property Management Unit (PMU).
  - e. Call the Communication Center to obtain an incident number and provide the Communications Center with needed information.
    - Close with the appropriate FCR.
  - f. Complete the incident report.



4. Precinct administration shall:
  - a. Maintain a precinct Bicycle Log and record the following:
    - Date of impound.
    - Sixty (60) day waiting period.
    - Final disposition.
  - b. Determine the appropriate disposition:
    - Sheriff's Office use.
    - Charitable organization; "Charitable Organization" means a non-profit institution that is registered with the State of Washington or the internal Revenue Service.
    - Auction.
    - Disposal.
  - c. Identify appropriate Charitable Organizations:
    - Precinct Commander shall select and approve charitable organizations.
    - Maintain correspondence file with charitable organizations.
    - Forward bicycles worth more than two hundred (200) dollars to PMU for auction or conversion to Sheriff's Office use.
      - See GOM 8.08.040.
5. Assigned Investigator shall:
  - a. Verify either all serial numbers or identifying markings to ascertain ownership.
  - b. Document follow up steps on a follow up report.
  - c. After sixty (60) days:
    - Recheck the serial numbers.
    - Contact the finder/claimant to verify compliance with Found Property Rights law.
    - If unclaimed, obtain a disposition directive from precinct administration.
    - Forward the follow up report to PMU.
6. Precinct Evidence and Supply Specialist shall:
  - a. Coordinate disposition with assigned investigator.
  - b. Obtain the name and address of the person or organization receiving the bicycle in the bicycle log.
    - Include the name of the charitable organization if applicable.
  - c. Complete the bicycle log.
  - d. Once the bicycle is donated, destroyed, or given to finder, PMU will be notified of the bicycle's status.
    - If the bicycle was returned to the finder from the precinct, the finder must submit payment to the person relinquishing the bicycle as outlined in Article 5 of KCSO form A-166 and must sign for receipt of the bicycle on form B-133, "Release of Evidence Form" and forwarded to PMU.

- If the bicycle was destroyed, two people must witness the destruction of the bicycle. This will be done by the Evidence Specialist and Deputy or Precinct Sergeant and noted on the back of the pink copy of form A-166 and forwarded to PMU.
- If the bicycle was donated to a reputable charitable organization, the name of the person representing the organization must sign for receipt of the bicycle on form B-133, "Release of Evidence Form" and forwarded to PMU.

7. Property Management Unit shall coordinate auction.

## **4.09.000 TRAFFIC ENFORCEMENT**

4.09.005

### **INTRODUCTION: 07/10**

Traffic enforcement is one of the routine tasks performed by deputies, for the violator, it is frequently an emotional experience. Deputies should be aware of these conditions, strive to make each contact educational and leave the violator with the impression that the deputy has performed a necessary task in a professional manner. Deputies should take appropriate enforcement action for each violation of traffic law violation witnessed or reported to them. Deputies may use their discretion to determine the best method to deal with a violator.

4.09.010

### **ENFORCEMENT PRACTICES, GENERAL: 07/10**

1. Strategies and tactics used for traffic enforcement should be consistent with the nature of the violations occurring and their potential for interfering with safe traffic flow.
2. One or more of the following types of traffic enforcement may be used:
  - a. Enforcement between two specific points on a given street.
  - b. Moving patrol within a defined area.
  - c. Directed Patrol assignment to a specific location to address a specific enforcement issue.
  - d. Visible stationary observation and/or concealed stationary observation.
3. Traffic enforcement may be conducted in any type of department vehicle.
4. Qualified deputies may use radar and or lidar during traffic enforcement activities.
5. Deputies are encouraged to check for safety conditions of the violator's vehicle while on traffic enforcement activities.
6. The Sheriff's Office does not conduct roadside safety checks.

4.09.015

### **TRAFFIC CONTACTS: 07/10**

1. Traffic contacts have two objectives.
  - a. Ensure public safety by stopping unsafe motorists.
  - b. Favorably alter the violator's future driving behavior.
2. The following procedures are recommended to assist in achieving the two objectives:
  - a. Be alert at all times for the unexpected.
  - b. Present a professional image when contacting the violator.
  - c. Inform the violator of the traffic violation.
  - d. Ask for the violator's driver's license, registration and proof of insurance.
  - e. Allow the driver to reasonably discuss the violation.
  - f. Complete the forms required of the enforcement action or give a verbal warning.
  - g. Explain to the violator what he/she is supposed to do in response to the action taken.
  - h. Return the violator's license, vehicle registration, proof of insurance and a copy of the citation/infraction.
  - i. If asked for a name deputies should either provide a business card or write their name and serial number down for the motorist.

3. Deputies should use common sense and good judgment in deciding whether to issue a verbal warning, written infraction/citation or arrest the driver. Factors to consider should include the nature of offense, known driving record obtained via CAD or personal knowledge, and the deputies judgment as to how to best modify the driver's future behavior.

4.09.020

### **STOPPING A VIOLATOR: 07/10**

Since no two traffic stops are alike, these procedures are a guide as to how to conduct stops of traffic violators.

1. Deputies will act in a safe and courteous manner as dictated by the circumstances of the stop.
2. Procedural guide for initiating vehicle stops:
  - a. If possible, choose the stop location carefully, avoiding curves, hills, traffic congestion and intersections.
    - Consider stop locations where adequate cover is available if needed.
  - b. Inform the communication center of the vehicle license and the stop location prior to initiating first contact.
    - If the license plate is missing or illegible, provide dispatch with a description of the vehicle including the make and color.
  - c. Activate emergency equipment to alert the violator to the stop.
  - d. Position the patrol vehicle in a safe manner according to the circumstance present.
  - e. High beams and spot lights may be used at night to conceal deputy's movements from the violator and for visibility inside the stopped vehicle.
  - f. A violator who gets out of the car should be ordered back in the vehicle for his/her safety.
  - g. Deputies should be prepared to respond appropriately should the violator continue to advance toward the deputy.
3. Deputies should wait for a backup when making high risk stops alone. High risks tops may include:
  - a. Felony warrants associated with vehicle.
  - b. Multiple occupants.
  - c. Vehicle stopped in high crime area.
  - d. Vehicle associated with a felony crime.
4. Approaching the stopped vehicle.
  - a. Consider officer safety during every stop.
  - b. While approaching the vehicle, watch the occupant(s), check for altered plates, check to ensure the trunk is closed, and observe the interior for possible weapons or hidden passengers.
    - Avoid passing between the lights or the patrol vehicle and violator's vehicle at night.
  - c. The vehicle may be approached by either the driver or passenger side.
  - d. Stand beside the vehicle as closely as possible and to the rear of the driver.
    - Be watchful of the any passengers.

- e. Ask the driver to turn off the vehicle.
  - f. Ask the driver for the requested documents.
  - g. Passengers should not be asked for ID unless they are being investigated for a separate crime or infraction.
5. Enforcement.
- a. Consider officer safety when returning to your vehicle keeping an eye on the occupants as much as possible.
  - b. Constantly make visual checks of the stopped vehicle for suspicious activity while running names, or completing citations/infractions.
6. Re-contacting the violator.
- a. When returning to the stopped vehicle, observe any changes or officer safety issues.
  - b. Inform the violator of the enforcement action and provide them with the citation or notice of infraction if issued.
    - State law does not require an offender's signature on a citation or notice of infraction.
  - c. Return all requested documents.
  - d. Allow the stopped vehicle to re-enter traffic.
  - e. Deactivate emergency equipment and re-enter traffic after the violator vehicle has left.

4.09.025

**SPECIAL CIRCUMSTANCES:** 07/10

1. A number of individuals who are stopped for traffic violations may require special handling due to their special status.
  - a. Juveniles should be handled in accordance with GOM 12.07.040.
  - b. Foreign diplomats/consular officials should be handled in accordance with GOM 5.06.035.
  - c. Members of the Legislature are protected from arrest while the Legislature is in session, and while proceeding to and returning from sessions.
  - d. Non-residents and military personnel do not require special handling.

4.09.030

**ALCOHOL/DRUGS RELATED TO TRAFFIC:** 07/10

It is the policy of the Sheriff's Office to seek out and remove impaired drivers from roadways. These impaired drivers, whether due to alcohol or drugs, present a significant risk to the public.

1. Enforcement of laws dealing with intoxicated drivers is the responsibility of all commissioned personnel.
2. Deputies shall take a proactive approach to detecting and removing intoxicated drivers from the roadways.
  - a. All deputies receive training during their academy and PTO training on methods of detecting intoxicated drivers and the administration of sobriety tests.
  - b. Deputies must be alert for signs of alcohol/drug impairment in all contacts with motorists.
  - c. Chemical tests will be offered in accordance with the RCW, DOL, court decisions and department policy.

3. Special emphasis may be coordinated regionally with law enforcement agencies to establish a regional effort to enforce intoxicated driver laws and educate the public of the dangers of driving intoxicated.
4. The Sheriff's Office may assist schools and organizations in education efforts to discourage driving while intoxicated.

4.09.035

**OTHER VIOLATIONS: 09/10**

1. Driving while license suspended or revoked.
  - a. Deputies shall take appropriate action with drivers for these offenses.
  - b. Do not let the driver to continue to drive.
  - c. Impound the vehicle if it is mandatory.
2. Speeding violations.
  - a. Deputies may use their discretion to either warn or cite the driver.
  - b. Flagrant violations should be cited unless information gathered during the stop indicates otherwise.
3. Hazardous moving violations.
  - a. Some hazardous violations are:
    - Negligent/Reckless driving.
    - Disobeying a traffic signal or stop sign.
    - Failure to yield right away.
    - Improper turns.
  - b. Deputies shall take appropriate action with drivers for these offenses.
4. Off-road vehicle violations.
  - a. Various county and city ordinances deal with the operation of off-road vehicles.
  - b. Deputies should be familiar with these ordinances and may use their discretion to either warn or cite the driver.
5. Equipment violations.
  - a. Deputies should take enforcement action when motor vehicles are in violation of laws or ordinances dealing with equipment on vehicles.
6. Commercial vehicle violations.
  - a. Deputies may use their discretion to either warn or cite the driver.
  - b. If needed, WSP may be contacted for assistance.
7. Non-hazardous violations.
  - a. Non-hazardous violations include not using seat belts and/or child restraint systems.
  - b. Deputies may use their discretion to either warn or cite the driver.

8. Newly enacted laws.
  - a. When new laws or ordinances are enacted that govern the operation of a motor vehicle, deputies should allow a thirty (30) day grace period before issuing infractions or citations.
  - b. Deputies may warn the driver and advise driver of new law or ordinance.
9. Pedestrian and bicycle violations
  - a. Various county and city ordinances deal with pedestrian and bicycle violations.
  - b. Deputies should be familiar with these ordinances and may use their discretion to either warn or cite a pedestrian or bicyclist.

4.09.040

**MULTIPLE VIOLATIONS:** 09/10

1. When a driver violates more than one law or ordinance deputies may issue a citation or infraction notice for each violation or issue a citation or infraction notice for the most serious violation.
2. If a more that one violation is going to be cited or infraction notice issued, deputies shall not:
  - a. Include criminal violations and civil infractions on the same citation.
  - b. List more than three (3) violations on one citation or notice of infraction.

4.09.045

**PARKING ENFORCEMENT:** 07/10

1. When enforcing parking violations in residential areas, deputies should first attempt to contact the vehicle owner, if possible.
2. No parking zones, if signs are appropriately posted, should be enforced.
  - Unless the parked vehicle creates an immediate hazard, it should not be towed.
3. Blocking a roadway is sufficient reason for the vehicle to be towed, if the operator cannot be located in a timely manner.
4. Fire zones/handicap zones will be strictly enforced on public, as well as private property, if the appropriate signs are posted.
  - Deputies are allowed to tow the vehicle.

4.09.050

**DRIVER RE-EXAMINATIONS:** 07/10

Routine enforcement, collision reporting and investigations activities frequently lead to the discovery of drivers who have conditions which might prevent the person from exercising reasonable and ordinary care over a motor vehicle.

1. Deputies detecting such a person will complete the appropriate forms to request a re-examination by the Department of Licensing.
2. The information on the Re-Examination form is self-explanatory; however, certain information must be specifically addressed:
  - a. The physical defects must be detailed.
  - b. The "specifics of the incident" must be written is such detail that reasonable grounds for

the re-examination are conclusively established.

3. The Washington State form for Request for Re-Examination must be accompanied by copies of all other related reports and forwarded to the Department of Licensing.

4.09.055

**TRAFFIC CONTROL: 07/10**

1. Deputies shall use standardized hand signals taught at the basic police academy while engaged in traffic direction activities.
  - Deputies shall wear their issued safety vest when controlling traffic.
2. Under certain circumstances, it may become necessary to control traffic by manually operating electronic traffic controls.
  - Deputies may only alter a traffic signal by placing it on four-way flash mode.
3. Special events which require traffic signals be altered for an extended period of time must be coordinated with City, County /or State Traffic Engineering Departments.
4. Deputies may request temporary traffic control devices from the County Department of Transportation or Contract City Public Works Department, for traffic control at significant events that may substantially alter the traffic flow for normal conditions.
5. Unless in an emergency, deputies should avoid providing traffic control during the hours of darkness.

4.09.060

**SPEED MEASURING DEVICES: 09/10**

1. The King County Sheriffs Office will purchase speed measurement instruments that meet all of the requirements of the model minimum performance specifications as published by the National Highway Safety Administration and adopted by the Highway Safety Committee of the International Association of the Chiefs of Police.
2. Operation of speed measurement instruments by department members will be in accordance with the manufacturer provided user manual and the speed measurement device training received by the operator.
3. All King County owned radar and lidar units are maintained by the Department Quartermaster in the Property Management Unit (PMU).
  - a. Contract Cities can choose to use the PMU process for all of their radar/lidar units.
    - Contract Cities that do not choose to use the PMU process will designate a speed measurement coordinator and shall maintain an inventory of all speed measurement devices.
  - b. Inventory control will be managed at the Precinct level by worksite designated coordinators. Inventories will be forwarded to PMU for review and retention.
  - c. School Zone awarded radar/lidar will be assigned to the worksite where earned.
    - Worksite coordinators will assign them to the individual who earned the device while assigned to that worksite.
  - d. PMU will maintain responsibility for associated billing.
    - Contract Cities that do not use the PMU process will be responsible for their individual billing process per City policy.



4. Radar/lidar units will be sent for calibration and certification via the PMU.
  - a. Worksite coordinators will be responsible for tracking certification due dates and will forward the radar/lidar to PMU within one to two months of expiration.
  - b. KCSO radar/lidar units will be calibrated every two years.
  - c. Contract Cities responsible for their own radar/lidar units can choose to recalibrate every year.
  - d. The Department Quartermaster will coordinate the pickup and delivery of KCSO and partnering contract city speed measuring devices to and from the PMU with the current vendor for calibration and certification.
  - e. On return to PMU, radar/lidar will be checked for certification. PMU will update the inventory with serial number, tuning fork(s) numbers, new expiration, and worksite assigned.
  - f. Quartermaster will maintain and distribute copies of certifications to worksites, district and municipal courts and original to PMU file.
  
5. Department members who are certified to use radar/lidar units will have sixteen (16) hrs of radar/lidar training.
  - a. Certification will be maintained by the KCSO Training Unit and the individual Department member.
  - b. It is recommended that a copy be placed in the Department members work site personnel file.
  - c. Certification will be provided to the proper court personnel when requested.

4.09.065

**ANALYSIS:** 04/12

It is the policy of the King County Sheriff's Office to use available data to assist in the direction of selective traffic enforcement activities. These activities are for the purpose of reducing the number and severity of vehicular accidents on the streets of King County. The goal of all traffic enforcement activities is to gain voluntary compliance to the traffic laws of the County, Contract Cities and State.

The department should use available resources to analyze the causes and locations of vehicular accidents and shall take selective enforcement action to attempt to address the problem.

1. Analysis of traffic accidents.
  - a. The Traffic Engineer's Office of the County and the Sheriff's Crime Analysis Unit collects and compiles data on the location and causes of traffic accidents.
    - This information should be relayed to the Precinct Commanders and the Support Service Commander monthly.
  - b. The Commanders should review this information with Unit Supervisors.
  - c. An analysis report shall be completed on a semi-annual basis by the Commanders.
    - The analysis report shall contain a written analysis of traffic collision data, speeding complaints and enforcement efforts.
  - d. Supervisors should use the information when making assignments to traffic and patrol deputies.
  
2. Analysis of traffic enforcement activities.

- a. All commissioned members are responsible for enforcement of traffic laws.
    - The analysis of the enforcement activities of individual deputies is the responsibility of the deputy's supervisor.
  - b. Individual deputies should direct their enforcement activities to areas within their assigned portion of the county or city that have a history of vehicular accidents and speeding complaints.
  - c. Supervisors should monitor the enforcement activities by comparing the locations of issued citations and infractions with the problem locations.
  - d. The effectiveness of enforcement activities can be analyzed by reviewing the information provided by the Traffic Engineer and Crime Analysis Units.
3. Both traffic and patrol personnel may be assigned to selective enforcement activities.
    - These assignments should be based on existing accident and/or violation problems.
  4. Commanders should supply all supervisors with the updated information compiled by the Traffic Engineer and Crime Analysis Units.
    - Supervisors should use this data in their evaluation of selective enforcement activities conducted by their personnel.
  5. The evaluation of the number of citations, infractions and warnings will be used to assist in determining the need for selective enforcement at a specified location.